



# भारत का राजपत्र

## The Gazette of India

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. ६] नई दिल्ली, शनिवार, फरवरी 10, 1996/माघ 21, 1917

No. 6] NEW DELHI, SATURDAY, FEBRUARY 10, 1996/MAGHA 21, 1917

इस भाग में भिन्न पठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किये गये सांविधिक आदेश और अधिसूचनाएँ।

Statutory Orders and Notifications Issued by the Ministries of the Government of India

(Other than the Ministry of Defence)

कार्मिक लोक शिक्षायत तथा पेंशन मंत्रालय

(पेंशन और पेंशनभोगी कल्याण विभाग)

नई दिल्ली, 21 अगस्त, 1995

उपखण्ड (ii) के स्थान पर निम्नलिखित उपखण्ड रखा जाएगा  
अर्थात्:—

“(ii) पैतृक गृह या सरकार से लिए गए उधार की सहायता से निर्मित गृह का नवीकरण, उसमें बृद्धि या परिवर्तन करना या उसे ठीक-ठाक रखना।”

[सं. 20(5)/92-ई०-पार्ट]

एम० सी० बन्ना, उपसचिव

पाद टिप्पणी

सामन्य भविष्य निधि (केन्द्रीय सेवाएँ) नियम, 1960 दिनांक 1-12-1960 को सांख्या सं. 3000 पर प्रकाशित हुए, नियमों का पांचवां पुनः सुदृश्न (29-2-1988 तक संशोधित) 1988 में प्रकाशित हुआ तत्पश्चात् नियम, पेंशन तथा पेंशनभोगी कल्याण विभाग की नीचे दी हुई अधिसूचनाओं में संशोधित किए गए:—

1. संख्या 13(2)-पी०ए०पी०डल्लू०/88-ई० दिनांक 2-8-1989 (सांख्या सं. 2002, दिनांक 2-9-89)

2. संख्या 13(3)-पी०ए०पी०डल्लू०/89-ई०, दिनांक 13-2-1990

3. संख्या 20(11)-पी० एण्ड पी०डब्ल्यू०/86, दिनांक 23-10-1990 (सा० आ० सं० 3006 दिनांक 17-11-90)
4. संख्या 20(26)-पी० एण्ड पी०डब्ल्यू०/88-ई० दिनांक 8-11-1990
5. संख्या 13(5)-पी० एण्ड पी० डब्ल्यू०/90-ई० दिनांक 21-11-90 (सा० आ० सं० 3272, दिनांक 8-12-90.)

MINISTRY OF PERSONNEL, P.G. & PENSIONS

(Department of Pension & P.W.)

New Delhi, the 24th August, 1995

S.O. 377.—In exercise of the powers conferred by the proviso to article 309 read with clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department the President hereby makes the following rules further to amend the General Provident Fund (Central Services) Rules, 1960, namely :—

1. (1) These rules may be called the General Provident Fund (Central Services) Amendment Rules, 1995.
- (2) They shall come into force from the date of their publication in the Official Gazette.
2. In the General Provident Fund (Central Services) Rules, 1960, in rule 15, in sub-rule (1) for sub-clauses (e) of Clause (B), the following sub-clause shall be substituted namely :—
  - (e) “renovating additions or alterations or upkeep of the ancestral house or a house built with the assistance or loan from Government”.

[No. 20(5)92-E(Pt.)]  
S. C. BATRA, Dy. Secy.

FOOT NOTE

The General Provident Fund (Central Services) Rules, 1960 were published as S.O. No. 3000 dated 1-12-1960. The Fifth reprint (corrected upto 29-2-1988) of the Rules was published in 1988. The rules were subsequently amended vide Department of Pension & Pensioners Welfare notification given below :—

1. No. 13(2)-P&PW|88-E dated 2-8-1989 (S.O. No. 2002 dt. 2-9-89)
2. No. 13(3)-P&PW|89-E dated 13-2-1990 (S.O. No. 710 dt. 4-3-90)

3. No. 20(11)-P&PW|86 dt. 23-10-1990 (S.O. No. 3006 dt. 17-11-90)
4. No. 13(5)-P&PW|90-E dt. 21-11-90 (S.O. 3272 dt. 8-12-90)
5. No. 13|1|P&PW|90-E dt. 26-2-93 (S.O. No. 146 dt. 20-3-93)

मई दिल्ली, 28 दिसम्बर, 1995

का. आ. 378.—राष्ट्रपति, संविधान के अनुच्छेद 142 के खंड 5 के साथ पठित अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त व्यक्तियों का प्रयोग करते हुए तथा भारतीय लेखापरीक्षा और लेखा विभाग में नियोजित व्यक्तियों की बाबत भारत के नियंत्रक महालेखा परीक्षा से परामर्श के पश्चात् अंशदायी भविष्य निधि नियम (भारत), 1962 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्यात् :—

1. (1) इन नियमों का संक्षिप्त नाम अंशदायी भविष्य निधि संशोधन नियम (भारत), 1995 है।

(2) ये राजगत में प्रकाश की तारीख में प्रवृत्त होंगे।

2. अंशदायी भविष्य निधि नियम (भारत), 1962 (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है) में,

(1) नियम 13 के उपनियम (1) के खंड (उ) के पश्चात् निम्नलिखित खंड जोड़ा जाएगा, अर्यात् :—

“(अ) उपभोक्ता टिकाउ वस्तुएं उदाहरणार्थ टी. बी./बी. सी. आर./बी. सी. पी., वार्षिक मर्यादा, कुकिंग रेज, गोजर, कम्प्यूटर आदि, खरीदना।”

(2) उक्त नियम के नियम 16 के उपनियम (1) के खंड (1) में :—

(क) “बीव” शब्द के स्थान पर “पंब्रह” शब्द रखा जाएगा ;

(ख) उपखंड (ग) के पश्चात् निम्नलिखित उपखंड जोड़ा जाएगा, अर्यात् :—

“(घ) उपभोक्ता टिकाउ वस्तुएं उदाहरणार्थ टी. बी., बी. सी. आर./बी. सी. पी., वार्षिक मर्यादा, कुकिंग रेज, गोजर, कम्प्यूटर आदि की कीमत

[सं. 20 (2)/92-पी. एण्ड पी. डब्ल्यू. (ई)(ए)]

एस. सी. बत्रा, उप सचिव

पाद टिप्पणी

अंशदायी भविष्य निधि नियम (भारत), 1962 16-2-1987 तक संशोधित का द्वितीय पुनः सुदृश्य अब द्वितीय रूप में प्रकाशित हो गया है तत्पश्चात् नियम निम्नलिखित अधिसूचनाओं में संशोधित किए गए हैं।

1. का. आ. सं. 3409, दिनांक 22-12-190

2. का. आ. सं. 3271, दिनांक 8-12-1990
3. का. आ. सं. 251, दिनांक 13-2-1993
4. का. आ. सं. 1815, दिनांक 18-6-1988
5. का. आ. सं. 3410, दिनांक 22-12-1990

New Delhi, the 28th December, 1995

S.O. 378.—In exercise of the powers conferred by the proviso to article 309 read with clause (5) of article 148 of the Constitution, and their consultation with Comptroller and Auditor General of India in relation to persons serving in Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Contributory Provident Fund Rules, (India), 1962 namely:—

1. (1) These rules may be called the Contributory Provident Fund (India) Amendment Rules, (India) 1995.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. In the Contributory Provident Fund Rules, (India) 1962 (hereinafter referred to as the said rules),

(1) in rule 13, in sub-rule (1) after clause (e) the following clause shall be added, namely :—

“(f) To purchase consumer durables such as TV, VCR/VCP, Washing Machines, cooking range, geysers, computers, etc.”

(2) In rule 16 of the said rules in sub-rule 1, in clause (A),—(a) for the word, ‘twenty’ the word ‘fifteen’ shall be substituted;

(b) after sub-rule (c) the following sub-clause shall be added, namely :—

“(d) Meeting the cost of consumer durables such as TV, VCR/VCP, washing machines, cooking range, geysers, computers, etc.”

S. C. BATRA, Dy. Secy.  
[No. 20(2)/92-P&PW/(E)/(A)]

#### Foot Note

The second reprint of the Contribution Provident Fund Rules (India) 1962 (corrected upto 16-2-1987) has since been brought out in diglot form. The rules are subsequently amended vide notifications mentioned below :—

1. S.O. No. 3409 dt. 22-12-90
2. S.O. No. 3271 dated 8-12-90
3. S.O. No. 251 dated 13-2-93
4. S.O. No. 1815 dated 18-6-88
5. S.O. No. 3410 dated 22-12-90

नई दिल्ली 28 विसम्बर, 1995

का. आ. 379 —राष्ट्रपति, संविधान के अनुच्छेद 148 के खंड 5 के साथ पठित अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारतीय देशीका और लेखा विभाग में नियोजित व्यक्तियों की बाबत भारत के नियंत्रण महालेखा परीक्षक से परामर्श के पश्चात सामान्य भविष्य निधि (केन्द्रीय सेवा) नियम, 1960 का और संशोधन करने के लिए निम्नलिखित नियम बनाये हैं, अर्थात:—

1. (1) इन नियमों का संभिल नाम सामान्य भविष्य निधि (केन्द्रीय सेवा) संशोधन नियम, 1995 है।

(2) ये राजपत्र में प्रकाशन की तारीख से प्रवृत्त होंगे।

2. सामान्य भविष्य निधि (केन्द्रीय सेवा) नियम, 1960 (जिसे इसमें इसके पश्चात उक्त नियम, कहा गया है)।

(1) नियम 12 के उपनियम (1) के खंड (ङ) के पश्चात निम्नलिखित खंड जोड़ा जाएगा, अर्थात:—

(च) उमोक्ता टिकाउ वस्तुएं उदाहरणार्थ दी वी. वी. सी. आर. /वी. सी. पी., वाशिंग मशीन, कुकिंग रेज, गीजर, कम्प्यूटर आदि खरीदना।

(2) उक्त नियम के नियम 15 के उपनियम (1) के खंड (क) में, —

(क) “बीस” शब्द के स्थान पर “फ्लूट” शब्द रखा जाएगा;

(ख) उपखंड (ग) के पश्चात निम्नलिखित उपखंड जोड़ा जाएगा, अर्थात :—

(घ) उपभोक्ता टिकाउ वस्तुएं उदाहरणार्थ दी. वी./ वी. सी. आर. /वी. सी. पी., वाशिंग मशीन, कुकिंग रेज, गीजर, कम्प्यूटर आदि की कीमत।

[सं. 20/2/92 पी एण्ड पी डब्ल्यू/ई/(ए)]  
एस. सी. बत्रा, उप सचिव

#### पाद टिप्पणी :

सामान्य भविष्य निधि (केन्द्रीय सेवाएं) नियम, 1960 दिनांक 1-12-1960 की का. आ. सं. 3000 में प्रकाशित हुए, इन नियमों का पाचवा पुनः मुद्रण (29-2-1988 तक संशोधित) द्विभाषी रूप में प्रकाशित हो गया है। तत्पश्चात नियम में निम्नलिखित अधिसूचनाओं में संशोधन किए गए।

1. सं. 13(2) पी एण्ड पी डब्ल्यू/88-ई, दिनांक 2-8-1989  
(एस. ओ. सं. 2002, दिनांक 2-9-1989)

2. 13 (3) पी एण्ड पी डब्ल्यू/89-ई, दिनांक 13-2-1990 (एसओसं. 710, दिनांक 4-3-1990)

3. 20(11) पी एण्ड पी डब्ल्यू/86-ई, दिनांक 23-10-90  
(एस. ओ. सं. 3006, दिनांक 17-11-1990)

4. 13(5) पी एण्ड पी डब्ल्यू/90-ई, दिनांक 21-11-90  
(एस. ओ. नं. 3272, दिनांक 8-12-90)

5. एस. ओ. सं 13/1 पी एण्ड पी डब्ल्यू (ई) दिनांक 26-2-93 (एस. ओ. नं. 146 दि. 20-3-93)

New Delhi, the 28th December, 1995

S.O. 379.—In exercise of the powers conferred by the proviso to article 309 read with clause (5) of article 148 of the Constitution, and after consultation with Comptroller and Auditor General of India in relation to persons serving in Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the General Provident Fund (Central Services) Rules, 1960, namely:—

1. (1) These rules may be called the General Provident Fund (Central Services) Amendment Rules, 1995.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. In the General Provident Fund (Central Services) Rules, 1960 (hereinafter referred to as the said rules),

(1) in the rule 12, in sub-rule (1) after clause (c), the following clause shall be added, namely :—

"(f) To purchase Consumer durables such as TV, VCR/VCP, Washing Machines, Cooking Range, Geysers, Computers, etc."

(2) In rule 15, of the said rules, in sub-rule (1), in Clause (A),—

(e) for the word 'twenty' the word 'fifteen' shall be substituted;—

(b) after sub-clause (c) the following sub-clause shall be added, namely :—

"(d) Meeting the cost of consumer durable such as TV, VCR/VCP, Washing Machines, Cooking range geysers, computers, etc."

[No. 20(2)/92-P&PW/E(A)]

S. C. BATRA, Dy. Secy.

**Foot Note :**

The General Provident Fund (Central Services) Rules, 1960 were published as S.O. No. 3000 dated 1-12-1960. The fifth reprint of these rules (corrected upto 29-2-1988) has since been published in digest form. The rules were subsequently amended vide notifications mentioned below :—

1. No. 13(2)-P&PW/88-E, dated 2-8-1989 (S.O. No. 2002, dated 2-9-89).
2. 13(3)-P&PW/89-E, dt. 13-2-1990 (S.O. No. 710 dt. 4-3-90).
3. 20(11)-P&PW/86-E dt. 23-10-90 (S. O. No. 3006 dt. 17-11-90).
4. 13(5)-P&PW/90-E dt. 21-11-90 (S.O. No. 3272, dt. 8-12-90).
5. S.O. No. 13/1/P&PW-(E) dt. 26-2-93 (S.O. No. 146 dt. 20-3-93).

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 23 जनवरी, 1996

का० आ० 380.—केंद्रीय सरकार, दण्ड प्रक्रिया संहिता 1973 (1974 का अधिनियम सं. 2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री ए. पी. सिंह, एडवोकेट जयपुर को, दिल्ली विशेष पुलिस स्थापना के निम्नलिखित आपराधिक मामलों की पैरवी के लिए एतद्वारा विशेष लोक अधियोजक के रूप में नियुक्त करती है।

(1) आर. सी. संख्या 2/88 एस सी यू (IV) आवश्यक वस्तु अधिनियम के अन्तर्गत विशेष न्यायाधीश (आवश्यक वस्तु अधिनियम के मामलों के लिये) जयपुर की अदालत में एक अदानती मामला तथा भारतीय दण्ड संहिता अपराधों के लिये विशेष न्यायाधीश ए. सी. जे. एम. एस. पी. ई. की अदानत में एक अन्य मामला।

(2) आर. सी. 3/88-ए सी यू (IV) यथोपरि।

(3) आर. सी. 4/88 ए. सी. यू. (IV) यथोपरि।

(4) आर. सी. 4/88 ए. सी. यू. (VI) यथोपरि।

(5) आर. सी. 6/88 ए. सी. यू. (VI) यथोपरि।

[संख्या 225/30/95 ए. वी. डी. -II]

एस. सौंदर राजन, अवार सचिव

(Dept. of Personnel & Training)

New Delhi, the 23rd January, 1996

S.O. 380.—In exercise of the powers conferred by section 24(8) of the Code of Criminal procedure, 1973 (Act, No. 2 of 1974), the Central Government hereby appoints Shri A. P. Singh, Advocate Jaipur as Special Public Prosecutor for conducting criminal cases of Delhi Special Police Establishment as detailed below :—

- (1) RC No. 2/88-ACU(IV)—One Court case in the court of Special Judge (for Essential Commodities Act cases) Jaipur under Essential Commodities Act and another court case, in the court of Special Magistrate/ACJM/SPE cases Jaipur for Indian Penal Code offences.
- (2) RC 3/88-ACU (IV)—As above.
- (3) RC 4/88-ACU (IV)—As above.
- (4) RC 4/88-ACU (VI)—As above.
- (5) RC 6/88-ACU(VI)—As above.

[No. 225/30/95 AVD.II]

S. SOUNDAR RAJAN, Under Secy.

नई दिल्ली, 24 जनवरी, 1996

का० आ० 381.—ले द्वारा एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 3 द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अपराधों को दिल्ली विशेष पुलिस स्थापना द्वारा अन्वेषित किए जाने वाले अपराधों के रूप के विविधपूर्ण करती है, यथा :—

(क) अन्य जीव (संरक्षण) अधिनियम, 1972 (1972 का अधिनियम सं. 53) की धारा 51 के अन्तर्गत दंडनीय अपराध।

(ख) ऊपर वर्णित अपराधों में से किसी एक अथवा अधिक से संबंधित या संसक्त प्रयत्नों, हुएरेणों तथा पद्धतियों और वैसे ही संवेदनशील के अनुक्रम में किया गया अन्य अपराध अथवा किए गए अन्य अपराध।

[संख्या 228/2/96-ए. वी. डी. III]

एस. सौंदर राजन, अवार सचिव

New Delhi, the 24th January, 1996

S.O. 381.—In exercise of the powers conferred by Section 3 of Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government hereby specifies the following offences as the offences which are to be investigated by the Delhi Special Police Establishment, namely :—

- (a) Offences punishable under Section 51 of the Wild Life (Protection) Act, 1972 (Act No. 53 of 1972).

(b) Attempts, abetments, and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of same transaction.

[No. 228/2/96-AVD.II]  
S. SOUNDAR RAJAN, Under Secy.

आदेश

नई दिल्ली, 24 जनवरी, 1996

का. आ. 382.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 6 के साथ पठित धारा 5, उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राजस्थान सरकार के गृह विभाग (समूह 5) के आदेश संख्या एक 14 (1) होम/वी/95 दिनांक 19-7-95 द्वारा दी गई सहमति से, भारतीय दण्ड संहिता 1860 (1860 का 45) की धारा 420, 467, 468, 471 एवं 120(ख) के अधीन थाना गंगाशहर, जिला बीकानेर (राज.) में पंजीकृत अपराध संख्या 168/94 के अन्वेषण के लिए या उन्हीं तथ्यों से उत्पन्न होने आसे वैसे संव्यवहार के अनुक्रम में किया गया या किये गये किसी अन्य अपराध के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तारण सम्पूर्ण राजस्थान राज्य पर करती है।

[सं. 228/35/95-एवीडी-II]

एस० सौदर राजन, अवर सचिव

#### ORDER

New Delhi, the 24th January, 1996

S.O. 382.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Rajasthan accorded vide Home (Gr. V) Department Order No. F14 (i)/Home/V/95 dated 19-7-95 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of State of Rajasthan for investigation of the offences in F.I.R. No. 168/94 Police Station Gangasahar District Bikaner (Rajasthan) u/s 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860 (45 of 1860) or any other offence or offences committed in the course of the same transaction arising out of the said case.

[No. 228/35/95-AVD-II]  
S. SOUNDAR RAJAN, Under Secy.

नई दिल्ली, 24 जनवरी, 1996

का. आ. 383.—केन्द्रीय सरकार एमद्दारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम 25) की धारा 6 के साथ पठित धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मध्य प्रदेश सरकार, गृह विभाग के अधिकारी नं. 35-471/93/सी-1 दिनांक 22-12-95 द्वारा प्राप्त मध्य प्रदेश गवर्नर जी सहमति से कृष्णपुर कर्नसी सोटों के मद्दग और परिवासन के बारे में जी.आर.पी०

दिलासपुर (म.प्र.) के अपराध सं. 377/95-के संबंध में भारतीय दण्ड संहिता (1860 का अधिनियम सं. 45) की धारा 489-ए, 489-बी और 489-सी के अधीन दंडनीय अपराधों तथा उन्हीं तथ्यों से उद्भूत वैसे ही संव्यवहार के अनुक्रम में किए गए उक्त अपराधों और किसी अन्य अपराध से संबंधित और संस्थान दुष्प्रेरणों तथा पद्यन्तों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तारण सम्पूर्ण मध्य प्रदेश राज्य पर करती है।

[संख्या 228/82/95-ए.वी.डी.-II]  
एस० सौदर राजन, अवर सचिव

New Delhi, the 24th January, 1996

S.O. 383.—In exercise of the powers conferred by Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act 25 of 1946), the Central Government with the consent of Government of Madhya Pradesh vide Home Department Order No. 35-471/95/C-1 dated 22-12-95 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Madhya Pradesh for investigation of offences punishable Under Sections 489-A, 489-B and 489-C of the Indian Penal Code (Act No. XLV of 1860) and abetments, conspiracies in relation to and in connection with the said offences and any offence committed in the course of the said transaction arising out of the same facts in regard to G.R.P. Bilaspur (M.P.) Crime No. 377/95 about the printing and circulation of counterfeit currency notes.

[No. 228/82/95-AVD.III]  
S. SOUNDAR RAJAN, Under Secy.

आदेश

नई दिल्ली, 25 जनवरी, 1996

का. आ. 384.—केन्द्रीय सरकार एमद्दारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम 25) की धारा 5 की उपधारा (1) के साथ पठित धारा 6 द्वारा शक्तियों का प्रयोग करते हुए, सं. 3/सी०-4-10512/94 एच०पी०/2867 दिनांक 24-5-95 द्वारा प्राप्त बिहार राज्य सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना के गदस्यों की शक्तियों और अधिकारिता का विस्तार भारतीय दण्ड संहिता की धारा 399/402/353 और आयुष्मान अधिनियम की धारा 25/26/27/35 के अन्तर्गत पंजीकृत प्राथमिक गूचना सं. 285/94 दिनांक 7-10-94, पुलिस थाना मुन्त्तान गंग (आगरा कुआं), बिहार के अन्वेषण के लिये तथा वर्णित एक या अधिक अपराधों से संबंधित तथा उनमें संसकृत प्रयत्न दुष्प्रेरण और पद्यन्त तथा उन्हीं तथ्यों से उत्पन्न होने वाले वैसे ही संव्यवहार के अनुक्रम में किये गये कोई अन्य अपराध जो आभियुक्तों द्वारा किये गये हैं, प्रासंगिक अधिनियम के प्रावधानों के अधीन दण्डनीय अपराधों के अन्वेषण के लिये, सम्पूर्ण बिहार राज्य पर करती है।

[संख्या 228/74/95-ए.वी.डी०-II]  
एस० सौदर राजन, अवर सचिव

## ORDER

New Delhi, the 25th January, 1996

S.O. 384.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the Government of Bihar vide Government of Bihar, Home (Police) Department Notification No. 3[C-4]10512/94-H(P)2867 dated 24-5-1995, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Bihar for the investigation of the offences punishable under sections 399, 402, 353 of the Indian Penal Code, 1860 (Act No. 45 of 1860) and 25, 26, 27 and 35 of Arms Act, 1959 (Act No. 54 of 1959) and any attempts, abetments and conspiracies in relation to or in connection with the said offences and other offences committed in the course of the same transaction or arising out of the same fact or facts in regard to FIR No. 285/94 dated 7-10-1994 registered at Police Station Sultanganj (Agamkuan), Bihar.

[No. 228/74/95-AVD.II]  
S. SOUNDAR RAJAN, Under Secy.

नई दिल्ली, 25 जनवरी, 1996

का०आ० 385.—दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित अपराधों को उन अपराधों के रूप में विनिर्दिष्ट करती हैं जो कि दिल्ली विशेष पुलिस स्थापना द्वारा अन्वेषण किए जाने हैं।

(क) भारतीय दण्ड संहिता की धारा 460 के अधीन दण्डनीय अपराध।

(ख) उक्त अपराधों में से किसी एक या अधिक अपराधों और वैसे ही संबंधवहारों के अनुक्रम में किए गए उसी अपराध या अपराधों के संबंध में या उनमें संसक्त प्रयत्न दुष्प्रेरण और पड़यन्त।

[संख्या 228/7/96-ग०वी०डी०-II]  
प्रस० सौंदर राजन, अवर सचिव

New Delhi, the 25th January, 1996

S.O. 385.—In exercise of the powers conferred by Section 3 of Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the

Central Government specifies the following offences which are to be investigated by the Delhi Special Police Establishment, namely :—

(a) Offences punishable under Section 460 of Indian Penal Code 1860 (Act No. 45 of 1860)

(b) Attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of same transaction.

[No. 228/7/96-AVD.II]  
S. SOUNDER RAJAN, Under Secy.

आदेश

नई दिल्ली, 25 जनवरी, 1996

का०आ० 386.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम 25) की धारा 5 की उप धारा (1) के साथ पठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए आदेश सं० 2673 ख/6-4-95/वी/95 दिनांक 16-5-95 द्वारा प्राप्त उत्तर प्रदेश राज्य सरकार की सहमति से, दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार, भारतीय दण्ड संहिता की धारा 364 और अनुसूचित जाति/अनुसूचित जन जाति (यातना निरोधक) अधिनियम, 1989 की धारा 3(11) (5) के अन्तर्गत पंजीकृत प्राथमिक सूचना सं० 15/94 दिनांक 10-1-94 पुलिस थाना कोतवाली, जिला हरदोही, उत्तर प्रदेश तथा संबंधित मनीष कुमार लाहिरी पिला विजय कुमार लाहिरी के अपहरण के अन्वेषण के लिए तथा वर्णित एक या अधिक अपराधों में संबंधित या उनमें संसक्त प्रयत्न, दुष्प्रेरण और षडयन्त तथा उन्हीं षडयन्तों से उत्पन्न होने वाले वैसे ही संबंधवहार के अनुक्रम में किये गये कोई अन्य अपराध, प्रासंगिक अधिनियम के प्रावधानों के अधीन दण्डनीय अपराधों के अन्वेषण के लिए, समूर्ण उत्तर प्रदेश राज्य पर करती है।

[संख्या 228/36/95-ए.बी.डी.-II]  
एस. सौंदर राजन, अवर सचिव

## ORDER

New Delhi, the 25th January, 1996

S.O. 386.—In exercise of the powers conferred by Sub-Section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act 25 of 1946), the Central Government with the consent of the Government of Uttar Pradesh, Home Deptt. order No. 2673-B/6-4-95-19B/95 dated 16-5-95 hereby extends

the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Uttar Pradesh for the investigation of the offences punishable under Section 364 of Indian Penal Code, 1860 (Act No. 45 of 1860) and Section 3(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and any attempts, abettments and conspiracies in relation to or in connection with the said offences and any other offences committed in the course of the same transaction arising out of the same fact or facts with regard to Crime Case No. 15/94 dated 10-1-94 registered at P.S. Kotwali, Distt. Hardoi, UP relating to the Kidnapping of Manish Kumar Lahiri S/o Vijay Kumar Lahari on 6-1-94.

[No. 228/36/95-AVD. II]  
S. SOUNDER RAJAN, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 23 दिसम्बर, 1995

का.आ. 387.—केन्द्रीय सरकार, राजस्व (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में राजस्व विभाग के अधीन सीमा शत्रुंक, उत्पाद शूलक एवं स्वर्ण (नियंत्रण) अधीन अधिकरण, आर.के. पुरम, नई दिल्ली, कार्यालय को, जिनके कर्मचारिवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[फा. सं. ई-11017/21/95-हिन्दी 4]  
नितिन मुखर्जी, अपर सचिव (प्रगासन)

MINISTRY OF FINANCE  
(Department of Revenue)

New Delhi, the 23rd December, 1995

S.O. 387.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976 the Central Government hereby notifies the Appellate Tribunal for Customs, Excise and Gold (Control) R. K. Puram, Office under the Department of Revenue the Staff whereto have acquired the working knowledge of Hindi.

[F. No. E-11017/21/95-Hindi-IV]  
N. N. MUKHERJEE, Addl. Secy. (Admn.)

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 24 जनवरी, 1996

का.आ. 388.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्रीय सरकार द्वारा मैसर्स होम ट्रस्ट हाउसिंग फाइनेंस कम्पनी सि., 43, आशुतोष चौधरी

एवेन्यु, कलकत्ता-700019 को आयकर अधिनियम, 1961 की धारा 36(1)(viii) के प्रयोजनार्थ कर-नियंत्रण वर्ष 1995-96 और 1996-97 तक के लिए हाउसिंग फाइनेंस कम्पनी के रूप में अनुमोदित किया गया है।

2. यह अनुमोदन इस शर्त पर दिया जाता है कि कम्पनी आयकर अधिनियम, 1961 की धारा 36(1)(viii) के उपबन्धों के अनुरूप होगी और उनका अनुपालन करेगी।

[ग्रहितूचना सं. 9945/फा. सं. 204/6/95-आयकर नि-II]  
निशि सिंह, उप सचिव

Central Board of Direct Taxes

New Delhi, the 24th January, 1996

S.O. 388.—It is notified for general information that M/s. Home Trust Housing Finance Co. Ltd., 43, Ashutosh Choudhuri Avenue, Calcutta-700019 have been approved by the Central Government as a Housing Finance Company for the purposes of section 36(1)(viii) of the Income-tax Act, 1961, for the assessment years 1995-96 and 1996-97.

2. The approval is subject to the condition that the company will conform to and comply with the provisions of section 36(1)(viii) of the Income-tax Act, 1961.

[Notification No. 9945/F. No. 204/6/95/ITA-II]  
NISHI SINGH, Dy. Secy.

नई दिल्ली, 24 जनवरी, 1996

का.आ. 389.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्रीय सरकार द्वारा मैसर्स ग्लोबल हाउसिंग फाइनेंस कार्गोरेशन लि., प-विंग, 307, मितल टावर्स, नरीमन प्लांटर्स, बम्बई-400021 को आयकर अधिनियम, 1961 की धारा 36(1)(viii) के प्रयोजनार्थ कर-नियंत्रण वर्ष 1995-96 और 1996-97 तक के लिए हाउसिंग फाइनेंस कम्पनी के रूप में अनुमोदित किया गया है।

2. यह अनुमोदन इस शर्त पर दिया जाता है कि कम्पनी आयकर अधिनियम, 1961 की धारा 36(1)(viii) के उपबन्धों के अनुरूप होगी और उनका अनुपालन करेगी।

[ग्रहितूचना सं. 9946/फा. सं. 204/3/94-आयकर नि-II]  
निशि सिंह, उप सचिव

New Delhi, the 24th January, 1996

S.O. 389.—It is notified for general information that M/s. Global Housing Finance Corporation Ltd., A-Wing, 307-Mittal Towers, Nariman Points, Bombay-400021 have been approved by the Central Government as a Housing Finance Company for the purposes of section 36(1)(viii) of the Income-tax Act, 1961, for the assessment years 1995-96 and 1996-97.

2. The approval is subject to the condition that the company will conform to and comply with the provisions of Section 36(1)(vii) of the Income-tax Act, 1961.

[Notification No. 9946/F. No. 204/3/94/ITA-II]  
NISHI SINGH, Dy. Secy.

(गोपिका कार्य विभाग)

(रेकिंग प्रशासन)

नई दिल्ली, 24 जनवरी, 1996

का. आ. 390.—वैकल्पिक विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 15(1) के प्रावधान, धन लक्ष्यी बैंक पर, पर इस अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए लागू नहीं होगे।

[म. 15/9/95-बी.ओ.ए.]  
बी.एन. सचदेव, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 24th January, 1996

S.O. 390.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 15(1) of the said Act shall not apply, for a period of three years from the date of this notification, to the Dhanalakshmi Bank Limited.

[No. 15/9/95-BOA]  
B. L. SACHDEVA, Under Secy.

नई दिल्ली, 24 जनवरी, 1996

का.आ. 391.—वैकल्पिक विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 13 के उपर्युक्त धन लक्ष्यी बैंक लि. पर इस अधिसूचना की तारीख से ए.ए. वर्ष की अवधि के लिए लागू नहीं होगे।

[म. 15/9/95-बी.ओ.ए.]  
बी.एन. सचदेव, अवर सचिव

New Delhi, the 24th January, 1996

S.O. 391.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 13 of the said Act shall not apply for a period of one year from the date of this notification to the Dhanalakshmi Bank Limited.

[No. 15/9/95-BOA]  
B. L. SACHDEVA, Under Secy.

राजस्व विभाग

मई दिल्ली, 26 अक्टूबर, 1995

(आधिकर)

का.आ. 392.—ग्राम्यकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपर्युक्त (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, जेनरल सरकार एतद्वारा "गुरुवायर देवास्वम् गुरुवायर" को कर निर्वाचित वर्ष 1988-89 और 1989-90 के लिए उक्त खण्ड के परिवर्तनार्थ अधिसूचित करती है।

[अधिसूचना सं. 9900/फा.सं. 197/108/87-आधिकर नि. I]  
एच.के. चौधरी, अवर सचिव

(Department of Revenue)

New Delhi, the 26th October, 1995

(INCOME-TAX)

S.O. 392.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Guru-vayur Devaswom, Guruvayur" for the purpose of the said sub-clause for the assessment years 1988-89 and 1989-90.

[Notification No. 9900/F. No. 197/108/87-ITA-I]  
H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 26 अक्टूबर, 1995

(आधिकर)

का.आ. 393.—ग्राम्यकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपर्युक्त (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा, "गुरुवायर देवास्वम्, गुरुवायर" को कर निर्वाचित वर्ष 1990-91 के लिए निम्नलिखित शर्तों के प्रधान रहते हुए उक्त उपर्युक्त के परिवर्तनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर-निर्धारिती उपर्युक्ती आय का उल्लेखन अपना इसकी आय का उल्लेखन करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

(ii) कर-निर्धारिती उपर-उल्लिखित कर-निर्धारण वर्तों से संगत पूर्वी वर्षी की किसी भी प्रवधि के द्वारा धारा 11 की उपर्युक्त (5) में विनिर्दिष्ट किसी एक अवधि एक से अधिक वर्ग अधिकारी तरीकों से इसकी नियन्त्रित (जेवर-अवाक्षिप्त, फर्नीचर आदि के स्पष्ट में प्राप्त तथा राष्ट्र-रद्वाल में स्वैच्छिक प्रशंशन से विद्यमान) का नियेता नहीं करेगा अथवा उसे जमा नहीं कराना सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार में प्राप्त तथा अनिवार्य के स्पष्ट में ही जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्राप्तिग्रन्थी नहीं हो तथा ऐसे कारोबार के संबंध में अन्य से लिखा-प्रसिद्धाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9901/फा.सं. 197/108/87-आधिकर नि. I]  
एच.के. चौधरी अवर सचिव

New Delhi, the 26th October, 1995

**(INCOME-TAX)**

S.O. 393.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Guruvayur Devaswom, Guruvayur” for the purpose of the said sub-clause for the assessment years 1990-91 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise that in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9901] F. No. 197/108/87-ITA-I]  
H. K. CHOUDHARY, Under Secy.

(केन्द्रीय प्रस्थान फर बोर्ड)

मई दिल्ली, 1 फरवरी, 1996

(प्राय फर)

का.आ. 394.—केन्द्रीय सरकार, अधिकार, अधिनियम, 1961  
 (1961 का 43) की घारा 10 के खंड (10) के उपर्युक्त  
 (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, अपने के मन्त्रालयों  
 को वेय किनी उपर्युक्त की अधिकार, राजि को ध्यान में रखकर,  
 उस उपर्युक्त में बाणित सभी सीरीज़ प्रयोजनों के लिए उन कर्मसुखारियों  
 के संबंध में, जिनका कि उसमें उल्लेख किया गया है, सीमा के रूप में  
 दो भाग, पश्चात् हजार रुपए विनिश्चित करती है, जो पहली  
 अप्रैल, 1995 को या उसके पश्चात् सेवा निवृत्त हो जाते हैं अथवा  
 ऐसे सेवा निवृत्त होने के पूर्व अमर्याप्त हो जाते हैं अथवा  
 जिनकी मृत्यु हो जाती है अथवा उन्न तारीख को या उसके पश्चात्  
 जिनका नियोनन समाप्त कर दिया जाता है।

[अधिसूचना सं. 9959/ फा.सं. 200/107/95-धार्य टी ए- I]  
मिसालो मध्यस्थिता, अवर संचित

टिप्पण : मूल अधिनियम, अधिनियम रांगड़ा सा.पा.नि. 405  
दिनांक 28 प्रैत, 1988 को अन्तिम संसोधन दिया  
गया।

(Central Board of Direct Taxes)

New Delhi, the 1st February, 1996

(INCOME-TAX)

S.O. 394.—In exercise of the powers conferred by sub clause (iii) of clause (10) of section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government, having regard to the maximum amount of any gratuity payable to its employees, hereby specifies two lakhs and fifty thousand rupees as the limit for all the three purposes mentioned in that sub-clause in relation to the employees, referred to therein, who retire or become incapacitated prior to such retirement or die on or after the 1st day of April, 1995 or whose employment is terminated on or after the said date.

[Notification No. 9959|F. No. 200|107|95-ITA-II]

MITALI MADHUSMITA, Under Secy.

Note : The principal Notification was last amended by Notification No. G.S.R. 405 dated 28th April, 1988.

धार्यलिय, आदिकर आयक्त, पश्चिम बंगाल .III

कलंकता, 23 नवम्बर, 1995

प्राप्तकर अधिनियम 1961 के धारा 120 के प्रती। अप्रैल  
पारित

का. आ. 395.—प्रायदर अधिकारी, 1931 के वर्ष 120 की उपलब्ध (3) द्वारा प्रत्येक शक्तियों द्वारा इस दिनों में मुक्ते सभी बनाने वाली सभी शक्तियों पा प्रयोग करते हुए, भी, 1931 अक्टूबर, पवित्रम वंगाल-III, करनकरा, अपने अवैत्य क्षेत्रीय ग्राम संस्थान द्वारा पूर्ण आवेदी कराती हैं तथा विवर करते हुए हैं:—

बाड़ी के विद्यमान धैश्रमिकार की निम्न सेवा एक गंशोदित किया जाता है :-

ऋग सं. दिव्यांशु अधिकारी निर्धारितों के वर्गों का ध्वेताद्विदार  
का पक्षनाम

1	2	3
1. अत्यक्त अधिकारी कालांगो नाई-२ (1) कमन्ये निर्धारितों का वाई कालांगो	(क) 'ए' से 'एल' तक आवश्यकों के उपलब्ध काले छत वाई के बोरिं के सामग्री को छोड़कर अन्य दो विधायात अधिकारों के मन्ये।	
	(ख) 'ए' से 'एल' तक आवश्यकों के नाम वाले सामग्री के बोरिं	
	(क) के अंतर्गत अन्ये कालों को छोड़कर उनके विधाया नाम्ये।	
	(ग) चार/उत्तर अधिकार अस्युक्त-२ के प्रशासनिक एवं प्रतीक्षा क्षेत्राधिकार के अन्तर्गत 'एल' से 'जैड' तक आवश्यकों के सामने लाने सम्म नए कालांगों के सामने तिनहां अन्यों तक पार दिया। नहीं हुआ है, जहां दिए अस्यु हाति रु. 50,000 से कम है।	

1 2 3

(a) सभी नए अधिकारी काम्पनी वार्ड-2 के भागाकारों से शुरू होते हैं तथा जो अभी तक कर के लिए निर्धारित नहीं किए गए हैं और जो कि अपर/उप आयकर आयुक्त रेंज 2, के प्रशासनिक एवं सेवीय सेवाधिकार में आते हैं। और जिनकी रिटर्न आय/हानि 2,00,000 से कम है।

(b) मामले जो कि समय-समय पर आयकर अधिनियम 1961 के द्वारा 120/127 के अंतर्गत सोमे जायेंगे।

2. आयकर अधिकारी काम्पनी वार्ड-2(2) कम भए निर्धारितों का वार्ड कलकत्ता

(c) 'एम' से 'जैड' तक भागाकारों के उपनाम वाले इस वार्ड के अधिनियमों के मामलों को छोड़कर आय सभी विद्यमान मामले।

(d) 'एम' से 'जैड' तक भागाकारों के नाम वाले मामलों के प्रतिरिक्त (e) अंतर्गत आने वालों की छोड़कर सभी विद्यमान मामले।

(f) अपर/उप आयकर आयुक्त रेंज 2 के प्रशासनिक एवं प्रादेशिक सेवाधिकार के प्रधीन 'ए' से 'एल' तक भागाकारों के नाम वाले सभी नए काम्पनियों के मामले जिनका अभी तक कार-निर्धारण नहीं हुआ है तथा जहां रिटर्न आय/हानि रु. 50,000 से कम है।

(g) सभी नए अधिकारी मामले जिनके उपनाम 'ए' से 'एल' तक के भागाकारों से शुरू होने वाले हैं तथा जो अभी तक कर के लिए निर्धारित नहीं किए गए हैं जो कि अपर आयकर आयुक्त रेंज 2, के प्रशासनिक एवं सेवीय सेवाधिकार में प्राप्त हैं और जिनकी रिटर्न आय/हानि 2,00,000 से कम है।

(h) मामले जो कि समय-समय पर आयकर अधिनियम, 1961 के द्वारा 120/127 के अंतर्गत सोमे गए हैं।

यह आदेश आज दर्शाय 23-11-95 से प्रभाली होगा।

[सं. प.व. -III/मुख्या/17/95-96]  
गुप्त दास, आयकर आयुक्तOFFICE OF THE COMMISSIONER OF INCOME TAX  
W.B.—III

Calcutta, the 23rd November, 1995

## ORDER UNDER SECTION 120 OF THE I.T. ACT, 1961

S.O. 395.—In exercise of the powers conferred by Sub-section (2) of Section 120 of the I.T. Act, 1961 and all

all other/powers enabling me in this behalf, I, the Commissioner of Income Tax, West Bengal-III, Calcutta, hereby order in partial modification of all earlier Orders relating to jurisdiction over cases in the Charge of C.I.T., West Bengal-III as below :

The existing jurisdiction of the Wards will be modified to the following extent :

Sl. No.	Designation of the Assessing Officer	Jurisdiction over classes of Assessee
1	2	3
1.	Income Tax Officer-Company Ward-2(1)-cum- New Assessee's Ward, Calcutta.	(a) All existing cases of individuals of this Ward excepting cases with surnames starting with alphabets "A" to "L". (b) All existing cases other than those falling under (a) above excepting cases with surnames starting with alphabets "A" to "L". (c) All New Company cases not hitherto assessed to tax with starting with alphabets "M" to "Z" under the administrative and territorial jurisdiction of Addl./Deputy C.I.T., Range-2 where returned income/loss is below Rs. 50,000/-. (d) All new individual cases not hitherto assessed to tax with surnames starting with alphabets "M" to "Z" under the administration and territorial jurisdiction of Addl./Deputy C.I.T., Range-2 where returned income/loss is below Rs. 2,00,000/-. (e) Cases which may be assigned u/s. 120/127 of the I.T. Act, 1961 from time to time.
2.	Income Tax Officer Company Ward-2(2)-cum- New Assessee's Ward, Calcutta.	(a) All existing cases of individuals of the Ward excepting cases with surnames starting with alphabets "M" to "Z". (b) All existing cases other than those falling under (a) above excepting cases with names starting with alphabets "M" to "Z". (c) All new Company cases not hitherto assessed to tax with names starting with alphabets "A" to "L" under the administrative and territorial jurisdiction Addl./Deputy C.I.T., Range-2 where returned income/loss is below Rs. 50,000/-. (d) All new individual cases not hitherto assessed to tax with surnames starting with alphabets "A" to "L" under the administrative and territorial jurisdiction Addl./Deputy C.I.T., Range-2,

1	2	3
	where returned income/loss is below Rs. 2,00,000/-.	
(e)	Cases which may be assigned u/s. 120/127 of the I.T. Act, 1961 from time to time.	

This Order takes effect from today, i.e., the 23rd of November, 1995.

[No. WB-III/Hqrs./17/95-96]

SUBRATA DAS, Commissioner of Income Tax

विवेश मंत्रालय

नई दिल्ली, 22 जनवरी, 1996

का. शा. 396.—राजनयिक कोंसली अधिकारी (शपथ एवम्  
मृत्तिक) अधिनियम, 1948 (1948 का 41वां) की धारा 2

के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा  
भारत का दूतावास रियाघ, निम्न थ्रेणी लिपिक श्री आशिक  
अस्सी को 18 जनवरी, 1996 से कोंसली एजेंट का कार्य  
करने के लिए प्राधिकृत करती है।

[सं. टी-4330/1/95]

प्रताप सिंह, अवर सचिव (पी.बी.एस.)

#### MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 22nd January, 1996

S.O. 396.—In pursuance of the Clause (a) of the Section 2  
of the Diplomatic and Consular Officers (Oaths and Fees)  
Act, 1948 (41 of 1948), the Central Government hereby authorises  
Shri Asif Ali, L.D.C. in the Embassy of India, Riyadh  
to perform the duties of Consular Agent with effect from  
18th January, 1996.

[No. T-4330/1/95]

PRATAP SINGH, Under Secy. (Cons.)

नागरिक पूर्ति, उपभोक्ता मामले और  
सार्वजनिक वितरण मंत्रालय

भारतीय मानक ब्यूरो

नई दिल्ली, 3 जनवरी, 1996

का. शा. 397.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) की खंड (ब) के अनुसरण में  
भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस/जिन भारतीय मानक/मानकों, का/कि विवरण भीचे अनुसूची में दिया  
गया है/हिए गए हैं, वह/वे स्थापित हो गया है/हो गए हैं।

अनुसूची

अन्न स्थापित भारतीय मानक(कों) की संख्या नं. और  
सं. शीर्षक

नए भारतीय मानक द्वारा प्रतिक्रियत भारतीय  
मानक अथवा मानकों, यदि कोई हों, की  
सं. और वर्ष

स्थापित तिथि

(1)	(2)	(3)	(4)
1. आई एस : 1283 : 1995 साइकिल फी-ब्लू	आईएस : 1283 : 1968		1995-10-31
क्रिशिटि (दूसरा पुनरीक्षण)			
2. आईएस 2013 : 1995 टी-ब्लॉचे श्रायाम सथा अन्तरायन (तीसरा पुनरीक्षण)	आईएस : 2013 : 1985		1995-07-31
3. आईएस 3062 : 1995 फसल संरक्षण उपस्कर- राकर फूहारा-विशिष्टि (चौथा पुनरीक्षण)	आईएस : 3062 : 1982		1995-10-31

(1)	(2)	(3)	(4)
4.	आईएस 4533 : 1995 चूपण उपकरण—विशिष्टि आईएस 4533 : 1978 (दूसरा पुनरीक्षण)	—	1995-10-31
5.	आईएस 5296 : 1995 थलोरोफार्म शुद्ध तथा तकनीकी—विशिष्टि आईएस 5296 : 1979 (दूसरा पुनरीक्षण)	—	1995-10-31
6.	आईएस 5676 : 1995 संचकित सख्त रबड़ के ताले और एडियां विशिष्टि आई एस 5676 : 1987 (दूसरा पुनरीक्षण)	—	1995-10-31
7.	आईएस 6747 : 1995 छवि पहिएदार ट्रैक्टर के संस्थापन की रीति सहित (पहला पुनरीक्षण)	आईएस 6847 : 1972	1995-11-30
8.	आईएस 7848 : 1986 बदले जा सकने वाले इन्सटों के लिए शैंक किस्म के मिलिंग करतेंक— अभिनाम	आईएस 7848 : 1979	1995-11-30
9.	आईएस 8737 : 1995 5 लौटर से अधिक पानी की क्षमता वाले द्रवित पैट्रोलियम गैस (दू पै गै) सिलिंडरों के उपयोग के लिए वाल्व फिटिंग—विशिष्टि (पहला पुनरीक्षण)	—	1995-10-31
10.	आईएस 13360 (भाग 3/अनु 4) : 1995 सुधट्य—परीक्षण पद्धतियां भाग 3 भौतिक और आयामीन गुणधर्म अनुभाग 4 संचकन सामग्रियों का परिणाम काटक शात करना	—	1995-10-31
11.	आईएस 13575 : 1995 अस्तर वाले प्रतिस्थैतिक रबड़ के जूते—विशिष्टि (पहला पुनरीक्षण)	आईएस 13575 : 1992	1995-10-31
12.	आईएस 13984 (भाग 3/अनु 1) : 1995 सम्पर्क और परीक्षण संयोजन—विशिष्टि भाग 3 मुद्रित तार-स्थापन बोर्ड पर आरोपण के लिए साकेट अनुभाग 1 दो मार्गी सपाट आरोपण साकेट सम्पर्क और परीक्षण	—	1995-10-31
13.	आईएस 13984 (भाग 3/अनुभाग 2) : 1995 सम्पर्क और परीक्षण संयोजन—विशिष्टि भाग 3 मुद्रित तारस्थापन बोर्ड पर आरोपण के लिए साकेट अनुभाग 2 दो-मार्गी छड़े आरोपण साकेट सम्पर्क और परीक्षण	—	1995-10-31
14.	आईएस 13984 (भाग 3/अनु. 3) : 1995 सम्पर्क और परीक्षण संयोजनों की विशिष्टि भाग 3 मुद्रित तारस्थापन बोर्ड पर आरोपण के लिए साकेट अनुभाग 3 तीन मार्गी साकेट और परीक्षण केनेक्टर	—	1995-10-31

(1)	(2)	(3)	(4)
15.	आईएस 13984 (भाग 3/अनु. 4) : 1995 सम्पर्क और परीक्षण संयोजनों की विशिष्टि भाग 3 मुद्रित तारस्थापन बोर्ड पर आरोपण के लिए साकेट अनुभाग 4 चार-मार्गी साकेट सम्पर्क और परीक्षण कनेक्टर	--	1995-10-31
16.	आईएस 13984 (भाग 3/अनु 5) . 1995 सम्पर्क और परीक्षण संयोजनों की विशिष्टि भाग 3 मुद्रित तारस्थापन बोर्ड पर आरोपण के लिए साकेट अनुभाग 5 छ: मार्गी साकेट सम्पर्क और परीक्षण कनेक्टर	--	1995-10-31
17.	आईएस 14251 : 1995 केप्टन, तकनीकी-विशिष्टि	--	1995-11-30
18.	आईएस 14267 (भाग 3) : 1995 शीघ्र हिमी-कृत संविधान-विशिष्टि भाग 3 शीघ्र हिमीकृत पालक	--	1995-11-30
19.	आईएस 14274: 1995 पट्टी, टी-आकार, कैलिको-विशिष्टि	--	1995-11-30
20.	आईएस 14290 : 1995 निम्न तापमान में प्रयोग के अस्तर वाले औद्योगिक रबड़ के जूते-विशिष्टि	--	1995-11-30
21.	आईएस 14293 : 1995 ज्योटैक्सटाइल ट्रेपेजीयिं विदरण (टीयर) सामर्थ्य ज्ञात करने की पद्धति	--	1995-11-30
22.	आईएस 14296 : 1995 उच्चताप सह उद्योग के लिए छोलोमाइट-विशिष्टि	--	1995-11-30
23.	आईएस 14297 : 1995 धातुओं और मिश्र धातुओं का संक्षारण -पर्यावरण की संक्षारणता के मूल्यांकन के लिए मानक नमूनों की संरक्षण दर निर्धारण करने की पद्धतियाँ	--	1995-10-31
24.	आईएस 14310 : 1995 ग्लाइमासल (40 प्रतिशत (विलयन)-विशिष्टि	--	1995-10-31
25.	आईएस 14311 : 1995 कृषि एवं खाद्य पदार्थों में लिन्डेन (गाभा बीएचसी) के अवशेष ज्ञात करने की पद्धति	--	1995-11-30
26.	आईएस 14313 : 1995 70 प्रतिशत एल्यूमिना की ईटें-विशिष्टि	--	1995-10-31
27.	आईएस 14314 : 1995 संरिलेट रंग-रोगन व वार्निंगों के लिए सामान्य उपयोग में आने वाला तनुकारक-विशिष्टि	--	1995-10-31

इन मानकों की प्रतियाँ भारतीय मानक व्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002 और क्षेत्रीय कार्यालयों अम्बई, कलकत्ता, घण्टीगढ़ तथा मद्रास और शाखा कार्यालयों, अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बत्तूर, फरीदाबाद, गाजियाबाद, नुवाहाटी, हैदराबाद, जयपुर, कानपुर, लखनऊ, पटना तथा तिरुवन्नमत्तूरम में विक्री हेतु उपलब्ध हैं।

## MINISTRY OF CIVIL SUPPLIES CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION

## BUREAU OF INDIAN STANDARDS

New Delhi, the 3 rd January, 1996

S.O. 397:—In pursuance of clause (b) of Sub-rule (1) of Rule (e) of Rule 7 of the Bureau of Indian Standards Rules 1987, the Bureau of Indian Standards hereby notifies that the Indian Standard(s), particulars of which is/are given in the Schedule hereto annexed, has/have been establishing on the date indicated against each:

## THE SCHEDULE

Sl. No.	year and Title of the Indian Standard(s) No. Established	No. and year of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Date of Establish-ment
(1)	(2)	(3)	(4)
1.	IS : 1283 : 1995—Bicycles-Free-wheels—Specification (Second Revision)	IS : 1283 : 1968	95-10-31
2.	IS : 2013 : 1995—T-Slots-Dimensions and spacings (Third Revision)	IS : 2013—1985	95-07-31
3.	IS : 3062 : 1995—Crop protection equipment-Rocker sprayer—Specification. (Fourth Revision)	IS : 3062 : 1982	95-10-31
4.	IS : 4533 : 1995—Suction apparatus—Specification (Second Revision)	IS : 4533 : 1978	95-10-31
5.	IS : 5296 : 1995—Chloroform, pure and technical Specification. (Second Revision).	IS : 5296 : 1979	95-10-31
6.	IS : 5676 : 1995—Moulded solid rubber soles and heels—Specification. (Second Revision)	IS : 5676 : 1987	95-01-31
7.	IS : 6847 : 1995—Code of practice for installation of agricultural wheeled tractor. (First Revision)	IS : 6847 : 1972	95-11-30
8.	IS : 7848 : 1986—Shank type milling cutters for index-able inserts—Designation.	IS : 7848 : 1979	95-11-30
9.	IS : 8737 : 1995—Valve fittings for use with liquefied petroleum gas (LPG) cylinders of more than 5-Litre water capacity—Specification. (First Revision)	—	95-10-31
10.	IS : 13360 (Part 3/Sec. 4) : 1995—Plastics-Method of testing Part 3 Physical and Dimensional Properties Section 4 Determination of bulk factor of moulding materials.	—	95-10-31

(1)	(2)	(3)	(4)
11.	IS : 13575 : 1995—Lined antistatic rubber footwear— Specification (First Revision)	IS : 13575 : 1992	95-10-31
12.	IS : 13984 (Part 3/Sec. 1) : 1995—Link and test connectors—Specification Part 3 Socket for mounting on printed wiring boards Section 1 Two-way flat mounting socket link and test connector.	—	95-10-31
13.	IS 13984 (Part 3/Sec 2) : 1995— Link and test connectors— Specification Part 3 Socket for mounting on printed wiring boards Section 2 Two-way upright mounting socket link and test connector	—	95-10-31
14.	IS 13984 (Part 3/Sec 3) : 1995— Link and test connectors— Specification Part 3 Socket for mounting on printed wiring boards Section 3 Three-way socket link and test connector	—	95-10-31
15.	IS : 13984 (Part 3 /Sec. 4): 1995—Link and test connectors—Specification Part 3 Socket for mounting on printed wiring boards Section 4 Four -Way Socket Link and Test Connector	—	95-10-31
16.	IS : 13984( Part 3/Sec. 5) : 1995—Link and test connector—Specification Part 3 Socket for mounting on printed wiring boards Section 5 Six-way Socket Link and Test Connector	—	95-10-31
17.	IS : 14251 : 1995—Captan. Technical—Specification	—	95-11-30
18.	IS : 14267 (Part 3) : 1995—Quicik frozen vegetables— Specification Part 3 Quick frozen spinach.	—	95-11-30
19.	IS : 14274 : 1995—Bandage, T-Shaped, calico— Specification	—	95-11-30
20.	IS : 14290 : 1995—Linked industrial rubber footwear for use at low temperatures—Specification.	—	95-11-30
21.	IS : 14293 : 1995—Geotextiles— Method of test for trapezoid tearing strength	—	95-11-30
22.	IS : 14296 : 1995—Dolomite for refractory industry— Specification	—	95-11-30
23.	IS : 14297 : 1995—Corrosion of metals and alloys— Determination of corrosion rate of standard specimens for the evaluation of corrosivity —Methods of	—	95-10-31
24.	IS : 14310 : 1995—Glyoxal (40 Percent Solution)— Specification.	—	95-10-31

(1)	(2)	(3)	(4)
25. IS : 14311 : 1995—Determination of lindane (Gamma-BHC) residues in agricultural and food commodities.	—	—	95-11-30
26. IS : 14313 : 1995—70 Percent alumina bricks—Specification	—	—	95-10-31
27. IS : 14314 : 1995—Thinner, general purpose, for synthetic paints and varnishes—Specification.	—	—	95-10-31

Copies of these Indian Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-1100 002 and Regional Offices: New Delhi, Calcutta, Chandigarh, Madras and Bombay and also Branch Offices: Ahmadabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Faridabad, Ghagabat, Guwahati, Hyderabad, Jaipur, Kanpur, Lucknow, Patna, Thiruvananthapuram.

[No. CMD/13 : 2]

Sd/-

G. RAMAN, Addl. Director General

नई दिल्ली, 16 जनवरी, 1996

का.आ. 398:- भारतीय मानक ध्यूरो नियम, 1987 के नियम 7 के उपनियम (1) की खंड (ख) के अनुसर में भारतीय मानक ध्यूरो एवं द्वारा अधिसूचित करता है कि जिष्य/जिम भारतीय मानक/मानकों, का/के विवरण नीचे असुसूची में दिया गया है/हिए, गए हैं, वह/वे स्थापित हो गया है/हो गए हैं।

ग्रन्तिसूची

क्रम स्थापित भारतीय मानक (कों) की सं. संख्या, वर्ष और शीर्षक	नए भारतीय मानक द्वारा अतिक्रमित भारतीय मानक श्रेष्ठता मानकों, यदि कोई हों, की सं. और वर्ण	स्थापित तिथि
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(1)	(2)	(3)	(4)
1. आईएस 215 : 1995 सड़कों के लिए तारकोन—विशिष्टि (तीसरा पुनरीक्षण)	आईएस 215 : 1981	—	1995-11-30
2. आईएस 505 : 1995 हल्का केओलिन—विशिष्टि (तीसरा पुनरीक्षण)	आईएस 505 : 1978	—	1995-10-31
3. आईएस 1528 (भाग 9) : 1995 उपमासह सामग्रियों के नमूने लेने और भौतिक परीक्षण की पद्धतियाँ भाग 9 आपेक्षित घनत्व और शुद्ध घनत्व ज्ञात करना (तीसरा पुनरीक्षण)	आईएस 1529 (भाग 9) : 1980	—	1995-10-31
4. आईएस 1890 (भाग 7) : 1995 मात्राएं और इकाइयाँ भाग 7 व्यानिकी (पहला पुनरीक्षण)	आईएस 1890 (भाग 7) : 1983	—	1995-09-30
5. आईएस 1890 (भाग 12) : 1995 मात्राएं और इकाइयाँ भाग 12 विशिष्ट संख्याएं (पहला पुनरीक्षण)	प्राइम 1890 (भाग 12) : 1983	—	1995-11-30

(1)	(2)	(3)	(4)
6.	आईएस 2041 : 1995 मध्यम और अल्प ताप उपयोग के दाढ़ पात्रों के लिए इस्पात प्लेट्टे—विशिष्ट (दूसरा पुनरीक्षण)	आईएस 2041 : 1982	1995-11-30
7.	आईएस 2500 (भाग 3) : 1995 नमूने लेने की निरीक्षण कार्यविधियां भाग 3 विलगित राशि के निरीक्षण के लिये सीमित गुणता (एल क्यू) द्वारा सूचित गुण-दोष मालूम करने के लिये नमूने लेने की योजना		1995-10-31
8.	आईएस 2813 : 1995 खाद्यान पारिभाषिक शब्दावली (दूसरा पुनरीक्षण)	आईएस 2813 : 1970	1995-09-30
9.	आईएस 2988 : 1995 बारिंगर विपोडीलाइट—विशिष्ट (पहला पुनरीक्षण)	आईएस 2988 : 1965	1995-11-30
10.	आईएस 6746 : 1994 असंत्वत पालोस्टर रेजिन प्रणाली—विशिष्ट (पहला पुनरीक्षण)	आईएस 6746 : 1972	1994-12-31
11.	आईएस 7079 : 1995 स्वचत बाहर—द्रव चालित आईएस 7079 : 1979 बेक होज—विशिष्ट (दूसरा पुनरीक्षण)		1995-11-30
12.	आईएस 7406 : 1986 बदले जा सकने वाले हस्टों के लिए बेध किस्म के मिलिंग कर्तेक—अभिनाम	--	1995-11-30
13.	आईएस 8119-2 : 1989 वस्त्रादि मशीनरी एवं सहायकांग—बुनाई मशीनों की सुझाया—शब्दावली भाग 2 ब्रेयर्ड सुझायां		1995-09-30
14.	आईएस 8640-2 : 1990 वस्त्रादि मशीनरी एवं सहायकांग—फ्लैट ताना बुनाई की मशीनें—शब्दावली भाग 2 ताना लैट-आफ, फेंग्रिक टेक-प्रप एवं बैचिंग	--	1995-09-30
15.	आईएस 9180 : 1988 लकड़ी के केसों वाली पैनिस्लों के लिए काला सीसा बर्गीकरण और व्यास	आईएस 9180 : 1979	1995-11-30
16.	आईएस 9698 : 1995 नहरों के लिए पॉलिइथी-लीन फिल्म के अस्तर रीति संहिता (पहला पुनरीक्षण)	आईएस 9698 : 1980	1995-10-31
17.	आईएस 10178 : 1995 संरचना इस्पात की कार्बन-आइ-प्राक्साइड गैस परिरक्षित आर्क-बैलिंग सिफारिशें (पहला पुनरीक्षण)	आईएस 10178 : 1982	1995-11-30

(1)	(2)	(3)	(4)
18.	आईएस 11066 : 1995 पालीएस्टर बहुतनु वाली रस्तियां-विशिष्टि ( 3 लड़ हासर-निहित तथा 8 लड़ बटदार) (पहला पुनरीक्षण)	आईएस 11066 : 1984	1995-11-30
19.	आईएस 11286 : 1995 कठोर अनुप्रयोगों के लिये साक्षारण प्रतिरोधक उच्च मिश्र धातु इस्पात, निकल और कोबाल्ट से अनी निवेश ढलाइयां-विशिष्टि (पहला पुनरीक्षण)	आईएस 11286 : 1985	1995-07-31
20.	आईएस 12009 : 1995 स्वचल बाहन यानी गाड़ियों के लिये साइडडोर की सुरक्षा अपेक्षाओं की सिफारिशें (पहला पुनरीक्षण)	आईएस 12009 : 1987	1995-11-30
21.	आईएस 13360 (भाग 3/प्रन् 1) : 1995 सुधृत्य—परीक्षण पद्धतियां भाग 3 भौतिक और आयामीय गुणधर्म अनुभाग 1 गर-कोशिरीय सुधृत्य का अनत्य और संगत धनरव ज्ञात करना	—	1995-11-30
22.	आईएस 13360 (भाग 3/प्रन् 5) : 1995 सुधृत्य—परीक्षण पद्धतियां भाग 3 भौतिक और आयामीय गुणधर्म अनुभाग 5 तापसेटिंग संचकन सामग्रियों का संकुचन ज्ञात करना	—	1995-11-30
23.	आईएस 14287 : 1995 वस्त्रादि—पोलीप्रोपोलीन बहुतनु जाल बनाने की सुतली—विशिष्टि	—	1995-11-30
24.	आईएस 14301 : 1995 उच्चतापसह उद्योग के लिये कायनाइट—विशिष्टि	—	1995-08-31
25.	आईएस 14267 (भाग 2) : 1995 शीघ्र डिमीकृत सब्जियां—विशिष्टि भाग 2 शीघ्र हिमकृत फूल गोभी	—	1995-11-30
26.	आईएस 14275 : 1995 पशुओं के लिए सूखे की स्थिति में यूरिया शीरायुक्त द्रव आहार की तकनीकी अपेक्षाएँ	—	1995-10-31
27.	आईएस 14280 : 1995 यांत्रिक विकापन संतुलन—रैफ्ट व फिटमेन्ट हेतु फन्नी की परिपाटी	—	1995-06-30
28.	आईएस 14291 : 1995 वस्त्रादि—ऊनी साझी धागे—विशिष्टि	—	1995-07-31
29.	आईएस 14315 : 1995 व्यवसायिक विनियर—विशिष्टि	—	1995-11-30
30.	आईएस 14316 : 1995 फाले—छोटे, 50 की यैली में—विशिष्टि	—	1995-10-31

(1)	(2)	(3)	(4)
31.	आईएस 14319 : 1995 वनस्पति के लिए गत्ते के लेमिनेशन युक्त डिल्बे -विशिष्टि	—	1995-10-31
32.	आईएस 14327 : 1995 नारियल फेली -विशिष्टि	—	1995-11-30

इन मानकों की प्रतियों भारतीय मानक व्यूरो, मानक भवन, 9 बहावुर शाह जफर मार्ग, नई दिल्ली-110002 और क्षेत्रीय कार्यालयों बम्बई, कलकत्ता, चण्डीगढ़ तथा मद्रास और शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बत्तूर, फरीदाबाद, गाजियाबाद, गुवाहाटी, हैदराबाद, जयपुर कानपुर, लखनऊ, पटना और त्रिवेंतापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. के.प्र.वि./13 : 2]  
जी. रामन, अपर महानिदेशक

New Delhi, 16th January, 1996

S.O. 398 :—In pursuance of clause (b) of Sub-rule (1) of Rule (1) of Rule 7 of the Bureau of Indian Standards Rules 1987, the Bureau of Indian Standards hereby notifies that the Indian Standard(s), particulars of which is/are given in the Schedule hereto annexed, has/have been established on the date indicated against each:

#### SCHEDULE

Sl. No., year and Title of the Indian Standards (s) No.      Established	No. and year of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Date of Establishment	
(1)	(2)	(3)	(4)
1. IS 215 : 1995—Road Tar—Specification (Third Revision)	IS : 215 : 1981	95-11-30	
2. IS : 505 : 1995—Light Kaolin—Specification (Third Revision)	IS : 505 : 1978	95-10-31	
3. IS : 1528 (Part 9) : 1995—Methods of sampling and physical tests for refractory materials Part 9 Determination of specific gravity and true density (Third Revision)	IS : 1528 (Part 9) : 1980	95-10-31	
4. IS : 1890 (Part 7) : 1995—Quantities and units Part 7 Acoustics (First Revision)	IS : 1890 (Part 7) : 1993	95-09-30	
5. IS : 1890 (Part 12) : 1995—Quantities and units Part 12 Characteristic Numbers (First Revision)	IS : 1890 (Part 12) : 1983	95-11-30	
6. IS : 2041 : 1995—Steel plates for pressure vessels used at moderate and low temperature—Specification (Second Revision)	IS : 2041 : 1982	95-11-30	
7. IS : 2500 (Part 3) : 1995—Sampling inspection procedures Part 3 Attribute sampling plans indexed by limited quality (LQ) for isolated lot inspection	—	95-10-31	

(1)	(2)	(3)	(4)
8.	IS : 2813 : 1995—Terminology for foodgrains (Second Revision)	IS : 2813 : 1970	95-09-30
9.	IS : 2988 : 1995—Vernier theodolite—Specification (First Revision)	IS : 2988 : 1965	95-11-30
10.	IS : 6746 : 1994—Unsaturated polyester resin systems—Specification (First Revision)	IS : 6746 : 1972	94-12-31
11.	IS : 7079 : 1995—Automotive vehicles—Hydraulic brake hose IS : 7079 : 1979—Specification (Second Revision)		95-11-30
12.	IS : 7406—1986—Bore type milling cutters for indexable inserts—Designation	—	95-11-30
13.	IS : 8119—2 : 1989—Textile machinery and accessories—Needles for knitting machines—Terminology Part 2 Bearded needles	—	95-09-30
14.	IS : 8640—2 : 1990—Textile machinery and accessories flat warp knitting machines—Vocabulary Part 2 Warp let-off, fabric take-up and batching	—	95-09-30
15.	IS : 9180 : 1988—Black leads for wood-cased pencils—Classification and diameters.	IS : 9180 : 1979	95-11-30
16.	IS : 9698 : 1995—Lining of canals with polyethylene film—Code of practice (First Revision)	IS : 9698 : 1980	95-10-31
17.	IS : 10178 : 1995—Co <sub>2</sub> Gas Shielded Metal ARC Welding of structural steels—Recommendations (First Revision)	IS : 10178 : 1982	95-11-30
18.	IS : 11066 : 1995—Polyester multifilament ropes—Specification (3-Strand hawser-laid and 8-Strand plaited) (First Revision)	IS : 11066 : 1984	95-11-30
19.	IS : 11286 : 1995—Corrosion resistant high alloy steel, nickel base and cobalt base investment castings for severe applications—Specification (First Revision)	IS : 11286 : 1985	95-07-31
20.	IS : 12009 : 1995—Automotive vehicle—Safety requirements for side door of passenger cars—Recommendations (First Revision)	IS : 12009 : 1987	95-11-30
21.	IS : 13360 (Part 3/Sec. 1) : 1995—Plastics—Methods of Testing Part 3 Physical and dimensional properties Section 1 Determination of density and relative density of non-cellular plastics	—	95-11-30
22.	IS : 13360 (Part 3/Sec. 5) : 1995—Plastics—Methods of testing Part 3 Physical and dimensional properties Section 5 Determination of shrinkage of thermosetting moulding materials.	—	95-11-30

(1)	(2)	(3)	(4)
23.	IS : 14287 : 1995—Textiles-Polypropylene multifilament netting twines—Specification	—	95-11-30
24.	IS : 14301 : 1995—Kyanite for refractory industry—Specification	—	95-08-31
25.	IS : 14267 (Part 2) : 1995—Quick frozen vegetables—Specification Part 2 Quick frozen cauliflower	—	95-11-30
26.	IS : 14275 : 1995—Technical requirements for urea molasses liquid drought feed for cattle	—	95-10-31
27.	IS : 14280 : 1995—Mechanical vibration-Balancing-Shaft and fitment key convention.	—	95-06-30
28.	IS : 14291 : 1995—Textiles Woollen shoddy yarn—Specification	—	95-07-31
29.	IS : 14315 : 1995—Commercial veneers—Specification	—	95-11-30
30.	IS : 14316 : 1995—Swabs, small, in bag of 50—Specification	—	95-10-31
31.	IS : 14319 : 1995—Laminated paper board pack for vanaspati—Specification.	—	95-10-31
32.	IS : 14327 - 1995—Coconut fenny—Specification	—	95-11-30

Copies of these Indian Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi -110002 and Regional Offices: New Delhi, Calcutta, Chandigarh, Madras and Bombay and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Faridabad, Ghaziabad, Guwahati, Hyderabad, Jaipur, Kanpur, Lucknow, Patna, Thiruvananthapuram.

[No. CMD/13 : 2]

G. RAMAN, Addl. Director General

### कोयला मंत्रालय

नई दिल्ली, 17 जनवरी, 1996

का. आ. 399.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उत्पाद अनुसूची में उलिंडित भूमि में कोयला अभियास किए जाने की संभावना है, प्रतः अध्यक्ष, केन्द्रीय सरकार, कोयला धारक भेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भेत्र में कोयले का पूर्वक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अन्तर्गत आने वाले भेत्र रेखांक सं. एस. ई सी एल. / बी एस. पी. /जी एस. (जी एल जी) /भूमि/ 148, तारीख 8 जून 1995 का निरीक्षण कलक्टर, रायगढ़ (मध्यप्रदेश) के कार्यालय में या कोयला नियंत्रक 1, काउंसिल हाउस स्ट्रीट, कलकत्ता-700001 के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लि. (राजस्व विभाग) सीपल रोड, बिलासपुर 495006, (मध्य प्रदेश) के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में हितवद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (1) में निर्दिष्ट सभी नक्शों, खाटों और अन्य वस्तावेजों को, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नव्वे दिन के भीतर विभागाध्यक्ष (राजस्व) साउथ स्टर्न कोलफील्ड्स लि., सीपल रोड, बिलासपुर-495006 (मध्य प्रदेश) को भेजेंगे।

## प्रान्तिक सूची

कुडुमकेला खंड (भाग 2)

मार्ड रायगढ़ कोयला धोका

जिला रायगढ़ (मध्य प्रदेश)

(रेखांक म. एस. ई.सी.एल./बी.एस. पी./जी.एम. (पी.एल.जी.) लैड/148, तारीख 8 जून, 1995 )  
(पूर्वेक्षण के लिए अधिसूचित भूमि दर्शने हुए)

क्रम संख्याक ग्राम का नाम	पटवारी हल्का संख्याक	तहसील	जिला	हेक्टर में क्षेत्र	टिप्पणियां
1. कुडुमकेला	17	घरघोडा	रायगढ़	3162.221	पूर्ण
2. बोसमधाट	17	घरघोडा	रायगढ़	451.772	पूर्ण
3. पुसलदा	16	घरघोडा	रायगढ़	1490.231	पूर्ण
4. पुरी	17	घरघोडा	रायगढ़	749.476	पूर्ण
5. घोगड़ा	17	घरघोडा	रायगढ़	094.963	पूर्ण

5948.663 हेक्टर  
(लगभग)

या

14699.146 एकड़  
लगभग

## सीमा वर्णन :

क-ख-ग रेखा, आरक्षित वन और पूरी ग्राम की सम्मिलित सीमाओं के बिन्दु "क" से आरंभ होती है तथा ग्राम पुरी, को समधाट, पुसलदा की उत्तरी सीमाओं के साथ-साथ जाती है और बिन्दु "ग" पर मिलती है।

ग-ख रेखा, ग्राम पुसलदा, कुडुमकेला की पूर्ति सीमा के साथ-साथ जाती है और बिन्दु "ग" पर मिलती है।

घ-डु रेखा, ग्राम कुडुमकेला की दक्षिणी जिला के साथ-साथ जाती है और बिन्दु "डु" पर मिलती है।

डु-च रेखा, ग्राम कुडुमकेला की पश्चिमी सीमा के साथ-साथ जाती है और बिन्दु "च" पर मिलती है।

च-छ-क रेखा दक्षिणी सीमा के साथ-साथ फिर ग्राम पुरी की पश्चिमी सीमा के साथ-साथ जाती है और आरंभिक बिन्दु "क" पर मिलती है।

[फा. सं. 43015/12/95 एल. एस डब्ल्यू]  
पी. के. जी नायर, अवर सचिव

## MINISTRY OF COAL

New Delhi, the 17th January, 1996

S.O.399 :—Whereas it appears to the Central Government that Coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act 1957 (20 of 1957) (hereinafter referred to as the said Act) the Central Government hereby gives notice of its intention to prospect for coal therein.—

The plan bearing No. SECL/BSP/GM/(PLG)/Land 148, dated 8th June, 1995 of the area covered by this notification may be inspected in the Office of the Collector, Raigarh, (Madhya Pradesh), or in the Office of the Coal Controller, 1, Council House Street, Calcutta-700001 or in the Office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495 006 Madhya Pradesh.

All persons interested in the land covered by this notification shall deliver all maps, chart and other documents referred to in sub-section (7) of section 13 of the said Act to the Head of the Department (Revenue), South Eastern Coalfields Limited, Seepat Road, Bilaspur-495006 (Madhya Pradesh) within ninety days from the date of publication of this notification in the Official Gazette.

### SCHEDULE

#### KURUMKELA BLOCK (PART-II) MAND RAIGARH COALFIELDS

#### DISTRICT—RAIGARH (MADHYA PRADESH)

(Plan No. SECL/BSP/GM(PLG)/Land 148

Dated : 8th June, 1995.

(Showing the land notified for prospect)

Serial No.	Name of Village	Patwari Halka number	Tahsil	District	Area in hectares	Remarks
1	2	3	4	5	6	7
1.	Kudumkela	17	Gharghoda	Raigarh	3162.221	Full
2.	Kosumghat	17	Gharghoda	Raigarh	451.772	Full
3.	Pusalda	16	Gharghoda	Raigarh	1490.231	Full
4.	Puri	17	Gharghoda	Raigarh	749.476	Full
5.	Ghogra	17	Gharghoda	Raigarh	094.963	Full
<b>TOTAL :</b>					<b>5,948.663</b>	<b>Hectares (Approximately)</b>
OR					<b>14,699.146</b>	<b>Acres (Approximately)</b>

#### Boundary description :—

A—B—C Line starts from point "A" on the common boundaries of Reserved Forest and Village Puri and Passes along the Northern boundaries of Villages Puri, Kosumghat, Pusalda and meets at Point "C".

C—D Line passes along the Eastern Boundary of Villages Pusalda Kudumkela and meets at Point "D"

D—E Line passes along the Southern boundary of Village Kudumkela and meets at Point "E".

E—F Line passes along the Western Boundary of Village Kudumkela and meets at Point "F".

F—G—A Line passes along the Southern Boundary, then Western Boundary of Village Puri and meets at the starting point "A".

[No. 43015/12/95—LSW]

P.K.G. NAIR, Under Secy.

## पैदलियम और प्राकृतिक गैस मंत्रालय

लंद विल्सन, 23 जनवरी, 1996

का आ. 400 :— पैदलियम और बनिंज पाइपलाइन (भूमि के उपयोग के प्रधिकार का प्राप्ति) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के प्रधीन भारत सरकार के पैदलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. 420(E) तारीख 2-5-95 द्वारा भारत सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनियिष्ट भूमियों के प्रधिकार की पाइपलाइन बिलाने के लिए अर्जित करने का अपना आशय घोषित किया था।

अतः सक्षम प्रधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के प्रधीन सरकार की रिपोर्ट दी थी है।

तत्पश्चात् भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनियिष्ट भूमियों के उपयोग का प्रधिकार अर्जित करने का विविच्छय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (2) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए भारत सरकार एतदारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनियिष्ट उक्त भूमियों में उपयोग का प्रधिकार पाइप लाइन बिलाने के प्रयोग के लिए अर्जित किया जाता है।

इस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि उक्त भूमियों में प्रधिकार भारत सरकार में निहित होने के अज्ञाय गैस ग्राहींस्ट्री ऑफ इंडिया लिमिटेड में सभी बाधाओं से मुक्त स्वयं से घोषणा के प्रकाशन के इस तारीख को निहित होगी।

अनुसूची

नारिमणम जी.सी.एम. से एम.आर.एल. एम्पुर्डी गैस पाइपलाइन रुट तक

जनपद	लहरील	तालुक	गांव नं. और नाम	मर्वे नं.	क्षेत्रफल		
					हेक्टर में	एकड़ में	विवरण
तमिलनाडु	नारै क्वाडि मिलित	नक्षीलम	120-कुलालम	26/1	0.17-0	0.42	

[मे. एल-14016/01/95-जी धी]  
प्रधीन सेवा, निवेशक

## MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 23rd January, 1996

S.O. 400 :—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 420 (E) Dated 2-5-95 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land, Act 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule to this appended notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of that section, the Central Government direct that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from all encumbrances.

## SCHEDULE

## NARIMANAM GCS TO M.R.L. PANANGUDI GAS PIPE LINE ROUTE

State	District	Taluk	Village No. & Name	Survey Nos.	Area		Remarks
					In Hectares	In Acro Cent.	
Tamil Nadu	Nagai Quaid-E-Milleth	Naanilam	120-Kuthalam	26/1	0.17.0	0.42	

[No. L-14016/01/95-G.P.]

ARDHENDU SEN, Director,

नं० विल्ली, 23 जनवरी, 1996

का.प्रा. 401.— पैट्रोलियम और भूमि के उपयोग के अधिकार का अर्जन (1962 (1962 का 50) की धारा 3 की उपचारा (1) के अधान भारत सरकार के पैट्रोलियम और प्राकृतिक गैस भारत की अधिसूचना का.प्रा. 60 तारीख 26-12-94 द्वारा भारत सरकार ने उस प्राधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के अधिकार को पाइप लाइन विधाने के लिए अर्जित करने का अपना आक्रमण घोषित किया था।

अब: सधम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपचारा (1) के अधीन सरकार का रिपोर्ट दे थे हैं।

तथ्यरक्षत भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनियम किया है।

अब अब: उक्त अधिनियम की धारा 6 की उपचारा (2) द्वारा प्रदत्त परिवेश का प्रयोग करते हुए भारत सरकार एवं विधायक सभा के लिए एतद्वारा अर्जित किया जाता है।

इस धारा की उपचारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि उक्त भूमियों में अधिकार भारत सरकार में निहित होने वाले इस अधिनियम के अंतर्गत अंक ईडिया लिमिटेड में सभी वाप्राओं से मुक्त रूप में घोषणा के प्रक्रिया की इस तरीका को निहित होगा।

अनुसूची

मर्क्युन्ड्याडि कोठारी शुगर्स एंड फैमिल्स गैस पाइप लाइन प्रोजेक्ट

जनपद	नहरी	तालुका	ग्राम ना. और नाम	सर्वे ना.	प्रेक्षकल		विवरण
					हेक्टर में	एकड़ में	
पांडिचेरी	पांडिचेरी	कार्टन्हाल	35. पालेगम	159/3	0.30*0	0.70	

[सं. पल. 14016/07/93-जी.पी.]

प्रवेन्दु सेन, निदेशक

New Delhi, the 23rd January, 1996

S.O. 401 :—Whereas by Notification of the Government of India in the Ministry of Petroleum S.O. 60 Dated under Sub-Section (1) Section of 3 the petroleum and Minerals pipe.lines (Acquisition of Right of User in Land Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the land specified in the schedule appended to that notification for purpose of laying pipeline.

And whereas the Competent Authority has under sub-section(I) of section 6 of the said Act, submitted report to the Government.

And further Whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this Notification.

Now, therefore, in exercise of the power conferred by sub-section (I) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by Sub-section (4) of the section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vest on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

#### SCHEDULE

#### MARAIKANCHAVADY—KOTHARI SUGAR & CHEMICALS PIPE LINE PROJECT

State	District	Taluk	Village No		Area			Remarks
			& Name	Survey Nos.	In Hectares	In Acre cent		
Pondicherry	Pondicherry	Karaikal	35-Polagam	159/3	01.30.10	01.70		

[No. L—14016/7/93-G.P.]

ARDHENDU SEN, Director.

मर्ह विल्नी, 23 जनवरी, 1996

का.पा. 402.—यह पैट्रोलियम और खनिज पाइप लाइन, (भूमि में उपयोग के अधिकार का भर्जन) अधिनियम, 1962 (1962 का 50) की धारा की 3 की उपधारा (1) के अधीन भारत सरकार के पैट्रोलियम एवं प्राकृतिक गैस यंत्रालय के अधिसूचना का.पा. 2749 तारीख 27.9.95 द्वारा भारत सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनियिष्ट के भूमियों उपयोग के अधिकार को पाइप लाइन बिल्डिंग के प्रयोग के लिए अर्जित करने का अपना आशय घोषित किया था।

और यह संभव प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

संलग्नात् भारत सरकार ने उक्त रिपोर्ट पर विवार करने के बाबत इस अधिसूचना के संलग्न अनुसूची में विनियिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनियोग किया है।

अतः यद्युक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त विविधों का प्रयोग करने हुए भारत सरकार एतदारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनियिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिल्डिंग के प्रयोग के लिए एतद्वारा अर्जित किया जाता है।

अतः इस धारा की उपधारा (4) द्वारा प्रदत्त विविधों का प्रयोग करने हुए भारत सरकार में निर्हित होने के बायां सारतीय रैम प्राधिकरण लिमिटेड में सभी बाधाओं से मुक्त रूप में व्योग के प्रकाशन की इस तरीख को निर्दित होगा।

अनुसूची

#### विजयपुर—वावरी गैस पाइप लाइन परियोजना

ग्राम : कुलवारा	तहसील : कोलारस	जिला : शिवापुरी
कसाक	खसरा नं.।	सर्वे का अह खेत जिसमें ग्राम ओ.पी. अध्यापित किया जाना है (हेट्टेयर में)
1	191	0.0250

[स. एन-14016/11/94 जी.पी.]

अर्धेन्दु मेन, निवेशक



New Delhi, the 23rd January, 1996

S.O. 403.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 2747 Dated 27/9/95 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline.

AND WHEREAS the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government.

AND FURTHER whereas the Central Government has, after Considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

NOW THEREFORE, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule to this appended notification hereby acquired for laying the pipeline.

AND FURTHER in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd, free from all encumbrances.

#### SCHEDULE

##### Vijapur—Dadri Gas Pipeline Project

Village : Berja, Tehsil : Pohari, Distt : Shivpuri

Sr.	Survey No.	Area to be acquired for ROU in Hectare
01.	1427	0.0900

[No. L-14016/11/94—G.P.]

ARDHENDU SEN, Director

नई दिल्ली, 23 जनवरी, 1996

फा.धा. 404.—यह पैदोलियम और खमिज पाइप लाइन (मूलि में उपयोग के अधिकार का प्रज्ञन), अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पैदोलियम एवं प्राकृतिक गैस मंबालय का अधिसूचना का धा.धा. 2748 परीक्षा 27-9-95 द्वारा भारत सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइन लाइन के प्रयोजन के लिए अंजित करने का अपना अधिकार घोषित किया था।

और यह सभी प्राधिकारी से उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे यी है।

तत्पश्चात्, भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना के संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनियोग किया है।

यह उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार एवं द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन लाइन के प्रयोजन के लिए एवं उपयोग करने का अधिकार दिया जाता है।

यह इस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार में निहित होने के बायां भारतीय रैस प्राधिकरण लिमिटेड में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निश्चित होगा।

अनुसूची

विजयगुर-बावरी गैसपाइप लाइन परियोजना

ग्राम : विलुतुरा

तहसील : शिवपुरी

जिला : शिवपुरी

क्रमांक

खसरा नम्बर

सबै का वह खेत जिसमें आर.ओ.पू. अंगठीपत्र लिया जाना है (हेटेयर में)

New Delhi, the 23rd January, 1996

S.O.—404 Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 2748 dated 27-9-95 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land, Act 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline.

And whereas the Competent Authority, has under sub-section (1) of section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after Considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in

the said lands specified in the schedule to this appended notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from all encumbrances.

#### SCHEDULE

##### Vijaipur—Dadri Gasi Pipeline Project

Village : Bilupura      Tehsil : Shivpuri,      District : Shivpuri

Sr. No.	Survey No.	Area to be acquired for ROU in Hectare
01.	53	0.0960

[No. L-14016/11/94-G.P.]  
ARDHENDU SEN, Director

नई दिल्ली, 23 जनवरी, 1996

का.आ. 405.—पैट्रोलियम और ग्यास पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1982 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पैट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. 61 तारीख 20-12-94 द्वारा भारत सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्विट भूमियों के अधिकार की पाइप लाइन विकास के लिए अधिकृत करने का अपना आशय घोषित किया था।

अस. सक्षम अधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

तथाकालीन भारत सरकार से उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्विट भूमियों के उपयोग का अधिकार अधिकृत करने का निश्चय किया है।

म्रव अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अकित का प्रयोग करते हुए भारत सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्विट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन विकास के प्रयोजन के लिए एवं उद्दारा अधिकृत किया जाता है।

इस धारा की उपधारा (4) द्वारा प्रदत्त अकितयों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि उक्त भूमियों में अधिकार भारत सरकार में निहित हीमे के यथाय गैस अग्निश्चीय प्राक इंडिया लिमिटेड में सभी आधारों से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

#### अनुसूची

##### राजस 6 के मिकल्स टप आफ पाणिअ कैमिकल्स गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	तालुका	ग्राम नं. और नाम	सर्वे नं.	क्षेत्रफल		विवरण
					हेक्टे	एकड़ में	
गढिचेरि	पाणिअचेरि	कारंकल	37 बांजूर	7/1	0-04-0	0.10	
				7/3	0-01-0	0.02	

[सं. एल.-14016/14/94 जो.पी.]

अधिकारी से, नियोगक

New Delhi, the 23rd January, 1996

S.O. 405:—Whereas by Notification of the Government of India in the Ministry of Petroleum S.O. 61 dated 26-12-94 under Sub-Section (I) of Section 3 of the Petroleum and Minerals Pipe lines (Acquisition of Right of User in Land, Act 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipe line.

And whereas the Competent Authority has under sub-section (I) of section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this Notification.

Now, therefore, in exercise of the power conferred by sub-section (I) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipe line.

And further in exercise of power conferred by Sub-section (4) of the section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vest on this date of the publication of this declaration in the Gas Authority of India Limited free from encumbrances.

#### SCHEDULE

#### KOTHARI SUGARS AND CHEMICALS LTD., TAP OFF TO PONDY CHEMICALS GAS PIPELINE PROJECT

State	District	Taluk	Village	Survey No.	Extent		Remarks
					In Hectares	In Acre cent	
Pondicherry	Pondicherry	Karaikal	37 Vanjoor	7/1	0.04.0	0.10	
				7/3	0.01.0	0.02	

[No. L-14016/14/94] G.P.  
ARDHENDU SEN, Director.

सूचना और प्रमारण मंत्रालय  
नई दिल्ली, 3 जनवरी, 1996

का. प्रा. 406.—चलचित्रिकी (प्रमाणन) नियम, 1983 के नियम 7 व 8 के साथ पठित चलचित्रिकी अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) में प्रदत्त शक्तियों का उपयोग करते हुए तथा इस मंत्रालय की दिनांक 26-9-95 की अधिसूचना संख्या 813/5/95-एफ(सी) के अनुक्रम में केन्द्र सरकार, स्वामी दिव्यानन्द को केन्द्रीय फिल्म प्रमाणन बोर्ड के दिल्ली सलाहकार पैनल में तत्काल प्रभाव से तथा अगले आदेशों तक नियुक्त करती है।

[का. सं. 813/5/95-एफ. (सी)]

आर. सी. शहदादपुरी, डैस्क अधिकारी

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 3rd January, 1996

S.O. 406.—In exercise of the powers conferred by sub-section (1) of section 5 of the Cinematograph Act, 1952 (37 of

1952) read with rules 7 and 8 of the cinematograph (Certification) Rules 1983 and in continuation of this Ministry's notification No. 813/5/95-F(C) dated 26-9-95, the Central Government is pleased to appoint Swami Divya Nand as a Member of the Delhi Advisory Panel of the Central Board of Film Certification with immediate effect and until further orders.

[File No. : 813/5/95-F(C)]  
R. C. SHAHDADPURI, Desk Officer

नई दिल्ली, 29 जनवरी, 1996

का. प्रा. 407.—केन्द्रीय सरकार, राजभाषा (संबंध के घासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में दूरदर्शन महानिवेशालय (सूचना एवं प्रसारण मंत्रालय) के नियन्त्रित अधीनस्थ कार्यालय को जिनके 80% से अधिक कर्मचारि धन्व ने हिन्दी

का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिकृत करती है:—

केन्द्रीय फिल्म प्रमाणन बोर्ड,  
क्षेत्रीय कार्यालय, प्रथम तल,  
चलचिल कलाभवन,  
तिरुवनन्तपुरम-695 014

[संख्या E-11011/1/93-हिन्दी]  
एम.एम. कटारिया, निदेशक (राजभाषा)

New Delhi, the 29th January, 1996

S.O. 407.—In pursuance of Sub-rule (4) of rule 10 of the Official Language (use for official purposes of the Union) Rules, 1976, the Central Government hereby notify the following office of Central Board of Film Certification (Ministry of Information & Broadcasting), the staff whereof more than 70 per cent have acquired the working knowledge of Hindi:—

Central Board of Film Certification,  
Regional Office, 1st floor,  
Chalchitra Kala Bhavan,  
Thiruvananthapuram-695014.

[No. E-11011/1/93-Hindi]  
S. S. KATARIA, Director (O.I.)

श्रम भवालय

नई दिल्ली, 24 जनवरी, 1996

का.आ. 408:—केन्द्रीय भरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91-के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम प्रवर्तन में इसमें उपावद्ध अमूसूची में विशिष्ट कारखानों/संस्थानों में नियुक्त नियमित कर्मचारियों को उक्त मूची के कालम 3 में दर्शये गयी तारीख से 30 सितम्बर, 1997 महिने उग अवधि तक के लिए छूट प्रदान करती है।

पूर्वोक्त छूट की शर्तें निम्नलिखित हैं, अर्थात्:—

- (1) पूर्वोक्त कारखाना, जिसमें कर्मचारी नियोजित हैं, एक रजिस्टर रखेगा जिसमें, छूट प्राप्त कर्मचारियों के नाम और पदाधिकार का लिखा जायेंगे,
- (2) इस छूट के होने हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रमुखियाएं प्राप्त करते रहेंगे, जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की तारीख से पूर्व संदेन अनियायों के आधार पर हक्कदार हो जाते,
- (3) छूट प्राप्त अवधि के लिए यदि वोई अभियाय पहले ही किए जा चुके हों तो वे चाला नहीं किए जायेंगे,
- (4) उक्त कारखाने का नियोजक, उस अवधि बीमा आवृत्त जिसके दौरान उस कारखाने पर उक्त अधिनियम

प्रवर्तनमान या (जिसे इसमें इसके पश्चात् “उक्त अवधि” कहा गया है), ऐसी विवरणियां ऐसे प्रारूप में और ऐसी विशिष्टयों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की वाबत देती थीं,

(5) निगम द्वारा उक्त अधिनियम की धारा 45 की उप-धारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या निगम का इस नियमित प्राधिकृत कोई अन्य पदधारी:—

- (1) धारा 44 की उप-धारा (3) के अधीन, उक्त अवधि की वाबत दी गई किसी विवरणी की विशिष्टयों को मन्त्रालय करने के प्रयोजनार्थ,
- (2) यह अभिनियन्त्रित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभियाय उक्त अवधि के लिये रखे गये थे या नहीं, या
- (3) यह अभिनियन्त्रित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिए गए उन कायदों को, जिसके प्रति फलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नगद और बस्तु रूप में पाने का हक्कदार बना हुआ है या नहीं, या
- (4) यह अभिनियन्त्रित करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुशासन किया गया था या नहीं, निम्ननियन्त्रित कार्य करने के लिए भण्डार होता:—
- (क) प्रधान या अध्यवहित नियोजक से अपेक्षा करने कि वह ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है,
- (ख) ऐसे प्रधान या अध्यवहित नियोजक के अधिभोगाधीन किसी कारखाने स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संदर्भ से संबंधित ऐसे लेख, बहिर्भूत और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें, और उनकी परीक्षा करने दे, या उन्हें ऐसी जानकारी दे, जिसे वे आवश्यक समझते हैं, या
- (ग) प्रधान या अध्यवहित नियोजक की, उसके अभीकर्ता या सेवक की, या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास वह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना, या

(ष) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखा वही या अन्य वस्ताविक की नकल तैयार करना या उससे उद्धरण लेना।

### अनुसूची

क्र. सं.	कारखाना/संस्थान	दिनांक जिस दिन से छूट प्रदान की गई
1.	मै. इंडियन टेलीफोन्स इन्हास्ट्रीज पालकाड, केरल	1-4-1990
2.	मै. फर्टिलाइजरस एंड केमिकल्स ट्रावनकोर लि., उद्योगमण्डल, केरल	1-4-1992
3.	मै. हिन्दुस्तान न्यूज़प्रिंट लि., कोटाध्रम, केरल	1-4-1992
4.	मै. हिन्दुस्तान औद्योगिक केमिकल्स लि., एरनाकुलम	1-11-1992
5.	मै. हिन्दुस्तान इंसेक्टीसाइड लि., उद्योग मण्डल, केरल	1-4-1992

[सं. 38014/10/94-एम.एम-1]  
जे.पी. शुक्ला, अधिकारी सचिव

### (संपट्टीकरण ज्ञापन)

इस मामले में छूट को भूतलक्षी प्रभाव देना आवश्यक हो गया है क्योंकि छूट के आवेदन पर कार्यवाही करने में समय लगा था, किन्तु यह प्रमाणित किया जाता है कि छूट को भूतलक्षी प्रभाव देने से किसी भी व्यक्ति के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

### MINISTRY OF LABOUR

New Delhi, the 24th January, 1996

S.O. 408.—In exercise of the powers conferred by Section 88 read with Section 9-A of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the regular employees of the Establishments as specified in the Schedule annexed hereto from the operation of the said Act for a period with effect from the dates mentioned in Col. 3 of the said schedule up to and inclusive of the 30th September, 1997.

2. The above exemption is subject to the following conditions namely :—

- (1) The aforesaid establishment wherein the employees are employed shall maintain a register showing the name and designations of the exempted employees;
- (2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act, to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;
- (3) The contributions for the exempted period, if already paid, shall not be refunded;
- (4) The employer of the said factory/establishment shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said

period under the Employees' State Insurance (General) Regulations, 1950;

- (5) Any inspector appointed by the Corporation under Sub-Section (1) of Section 45 of the said Act, or other official of the Corporation authorised in this behalf shall, for the purpose of :—
  - (i) verifying the particulars contained in any return submitted under sub-section (1) of Section 44 for the said period; or
  - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
  - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
  - (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory to empower to :—
    - (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
    - (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine accounts, books and other documents relating to the employment of personal and payment of wages or to furnish to him such information as he may consider necessary; or
    - (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee; or
    - (d) make copies of or extracts from any register, account book or other document maintained in such factory, establishment office or other premises.

### THE SCHEDULE

Sl. No.	Name of the Establishments	Date from which exemption is granted.
(1)	(2)	(3)
1.	M/s. Indian Telephones Industries, Palakkad, Kerala.	1-4-1990
2.	M/s. Fertilizers and Chemicals Travancore Ltd., Udyogamandal, Kerala.	1-4-1992
3.	M/s. Hindustan Newsprint Limited, Kottayam, Kerala.	1-4-1992
4.	M/s. Hindustan Organic Chemical Ltd., Ernakulam, Kerala.	1-11-1992
5.	M/s. Hindustan Insecticides Ltd., Udyogamandal, Kerala.	1-4-1992

[No. 38014/10/94-SS I]  
J. P. SHUKLA, Under Secy.

### EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case as processing of the applications for exemption took time. However, it is certified that the grant of exemption with retrospective effect will not effect the interest of any body adversely.

नई दिल्ली, 25 जनवरी, 1996

का.आ. 409 :—ऑटोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ पटियाला के प्रबन्धतंत्र के संबंध नियोजन। अग उनके कर्मनारों के बीच, अनुबंध में निर्दिष्ट ऑटोगिक विवाद में केन्द्रीय सरकार ऑटोगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-1-96 को प्राप्त हुआ था।

[संख्या प्रल-12012/309/87-आईआरबीआई]  
पी. जे. माइकल, डैस्क अधिकारी

New Delhi, the 25th January, 1996

S.O. 409.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Patiala and their workman, which was received by the Central Government on the 24-1-96.

[No. L-12012/309/87-IRBI]  
P. J. MICHAEL, Desk Officer

#### ANNEXURE

IN THE COURT OF SHRI S. R. BANSAL, PRESIDING OFFICER, CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I. D. No. 9/88

Ashok Kumar Sherwal, Cashier, State Bank of Patiala,  
R/O House No. 719, Sector 22-A Chandigarh.  
... Workman

Versus

State Bank of Patiala, through its General Manager,  
Head Office, The Mall, Patiala. ... Respondent-Management

PRESENT :

Workman representative Shri S. P. Sharma.  
Management representative Shri N. K. Zakhmi.

#### AWARD

The Central Government vide their Order No. I-12012/309/87/D-II(A), dated 12-3-1988 in exercise of the powers conferred by clause (d) of Sub-Section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Court :—

“Whether the action of the Management of the State Bank of Patiala in dismissing from the service Shri Ashok Kumar Sherwal, Cashier, with effect from 1-7-1984, is justified? If not, to what relief the workman is entitled?”

After the above said reference was made by the Central Government to this Court, a reference vide No. I-12012/309/87-D-II(A), dated 15-6-1988 was received which indicated that the date of dismissal 1-7-1984, as shown in the reference dated 12-2-1988, be read as 30-11-1985 and the workman was directed by the Central Government to indicate with regard to this fact to this Tribunal directly.

Consequent upon the receipt of the reference, notice was sent to the parties, as a result of which the workman preferred his claim statement dated 21-4-1988 and in this claim statement he indicated that he was dismissed from service by the Respondent Bank with effect from 30-11-1985. The workman also asserted that he was wrongly charge-sheeted 242 GI '96—5.

on the alleged charge of misappropriation of amount of Rs. 280/- alleged to have been given by Shri Ram Kishan for depositing in the R. D. Accounts No. 745 and 1005 in the names of Shri Ram Avatar, Smt. Champa Devi and Smt. Santosh Devi. He further asserted that the impugned order of dismissal as passed by the Respondent-Management against him was a result of wrong and illegal enquiry held against him by the Management. The workman further alleged that the respondent Management has not properly applied its mind and its services were dispensed with without following the principles of natural justice.

The respondent-Management submitted their written statement to the claim statement as filed by the workman and asserted that the workman was guilty of committing act of serious misconduct and, thus his services were rightly dispensed with by charge-sheeting him and holding an inquiry against him strictly in accordance with the principles of natural justice and the provisions of the rules/settlement governing the service conditions of the employees of the Bank. The workman submitted his replication to the written statement and reiterated his assertions as in the claim statement.

With a view to prove their case, both the parties were later given an opportunity to lead their respective evidence. While the workman preferred his evidence in the shape of affidavit Exhibit W.1, the Respondent-Management submitted affidavit of Shri Kul Bhushan Kalra, Deputy Manager, State Bank of Patiala Region I, Chandigarh as Exhibit M.1 and affidavit of Shri M. L. Makhija, Chief Manager (C&F), State Bank of Patiala, The Mall, Patiala, as Exhibit M.2. Both the parties also placed on record documents Exhibit W.2 to W.10 and Exhibit M.3 S/Shri A. K. Sherwal, the workman, Kul Bhushan Kalra, Deputy-Manager and M. L. Makhija, Chief Manager were also produced by the respective parties in the witness box for purpose of cross-examination by the opposite parties.

I have heard the representatives of the parties and have also gone through the record carefully.

Shri S. P. Sharma the representative of the workman argued that the workman was charge-sheeted and inflicted penalty by an authority lower than the appointing authority. He further argued that the workman was not provided adequate opportunity by the enquiry officer and that the enquiry was not, thus, conducted properly and in accordance with the provisions of the Rules. He also argued that the workman was not provided with an opportunity to produce his evidence in defence. He also vehemently argued that the workman had deposited the money alleged to have been misappropriated by him and, thus, the penalty of dismissal from service was patently disproportionate to the charge levelled against the workman. The representative of the Management in any case argued that the workman had not deposited the money in the Bank although he made entries in the pass books of the account holders. He further argued that the workman had rather admitted his guilt and the enquiry was also conducted against him by the enquiry officer properly and strictly in accordance with the principles of natural justice. He also argued that the workman had even filed an appeal against the impugned order of dismissal which was duly considered and rejected by the Management after providing the opportunity to the workman.

As stated earlier, the workman had tendered his affidavit Exh W1 and he has also produced himself in the witness-box for cross-examination by the representative of the Management. In his cross-examination, the workman had admitted that he was charge-sheeted by the Manager and after considering his reply to the charge-sheet, Shri Makhija was appointed as an Enquiry Officer. He also admitted that the enquiry proceedings were attended by him either in person or through his representative Shri Sikka. He also admitted having signed the proceedings on each and every date of hearing. It was also admitted that Sh. D. J. Sikka had cross-examined the witness produced by the Management. Shri A. K. Sherwal, the workman also admitted that he had conferred before the Branch Manager for not depositing Rs. 4.2 in the accounts of the account holders. He, however, volunteered that he had made this confession under threat and pressure from the Management who had threatened to lodge

a case against him with the Police. In any case, the workman had not been able to show any proof with regard to any threat or pressure exercised upon him by the Management or the Branch Manager. Such a plea taken by him appears to be an after-thought. In his cross-examination, the workman had also rather admitted to have confessed his guilt before Sh. S. P. Mittal, an officer of the Bank, who had conducted a preliminary enquiry into the matter. He admitted that had not made any complaint to the senior officers in the Bank with regard to any threat or pressure exercised upon him. This fact evidently goes to reveal that the confession made by him was voluntary and without exercising of any threat or pressure upon him from the Management. I have carefully gone through the enquiry report Exhibit M-3 which clearly reveals that the workman was afforded the required opportunity by the Enquiry Officer during the course of the enquiry. The enquiry proceedings are duly signed by the workman and his representative. There is nothing in the enquiry report which could reveal that the workman was not provided with the required opportunity by enquiry officer. Exhibit W.10 is the circular dated 1-1-1983, which reveals that powers of disciplinary authority and appellate authority were delegated to the various functionaries in the Bank and the impugned order was passed by the competent authority as per powers delegated to him. Incidentally, the workman never raised the plea of lack of authority in the statement of claim which clearly means that such a plea was raised by the representative of workman is beyond the pleadings and simply as an after-thought. The record clearly shows that the Management had acted strictly in accordance with the rules and the impugned order of dismissal from service was passed after holding an enquiry into the matter perfectly in accordance with the principles of natural justice and the bipartite settlement governing the conditions of the service of the employees of the Bank. The action of the respondent Management in dismissing the services Shri Ashok Kumar Sherwal, Cashier, from services of the Bank with effect from 30-12-1985, therefore, appears to be perfectly legal and justified. The reference of the Central Government shall stand answered accordingly. The appropriate Government be suitably informed in this regard.

Place : Chandigarh.

Dated : December 15, 1995.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 25 जनवरी, 1996

का.आ. 410 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबन्धतंत्र के सबस्त्र नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, 2 धनबाद के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 23-1-96 को प्राप्त हुआ था।

[संख्या एल-12012/222/93-ग्राइ आर बी-2]

वी.के. शर्मा, डैस्क्रिप्टिव कार्यालय

New Delhi, the 25th January, 1996

S.O. 410.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 23-1-96.

[No. L-12012/222/93-JR (B-II)]  
V. K. SHARMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri D. K. Nayak, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 195 of 1993

PARTIES :

Employers in relation to the management of Central Bank of India, Patna and their workmen.

APPEARANCES :

On behalf of the workmen.—Shri S. C. Gaur, Advocate.

On behalf of the employers.—Shri J. S. Bhati, authorised representative.

STATE : Bihar

INDUSTRY : Banking.

Dated, Dhanbad, the 16th January, 1996

#### AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12012/222/93-JR (B-II) dated, the 20th October, 1993.

#### SCREUDULE

“Whether the action of the management of Central Bank of India in dismissing Shri Laxmi Narayan Sah from the services of the Bank was justified ? If not, what relief, is Shri Sah entitled to ?”

2. To meet the reference the concerned workman Shri Laxmi Narayan Sah filed his W.S. stating in nutshell that on being appointed as Peon he joined in the Central Bank of India (hereinafter referred to as Bank) at Divisional Office, New Dak Bungalow Road on 22-2-72 and thereafter he continued in the service in different branches of the Bank as Sub-Staff working in various department such as Cash Peon, Tencil Operator etc. Thereafter taking permission from the Bank management he appeared in the Praveshika examination conducted by Hindi Vidyapith in Deoghar in 1978 he observed the formalities in this regard and he was given Roll No. 31 for the said examination.

3. Further statement in his W.S. is that he appeared in the examination Scheduled at Bakshi Maidan Centre Patna City and the result was announced in 1979 in which he was declared passed candidate in the first division. Also the Centre Suptd. of Patliputra Hindi (Ra'ri) Mahavidyalaya certified that the concerned workman had passed Praveshika examination in the first division vide letter dated 23-8-79 and the provisional certificate No. 1218 dt. 31-10-79 and the marksheets showing marks obtained as 489 out of 800 was issued. On receipt of the result and the marksheets the concerned workman intimated the Bank management and requested by the letter dt. 12-11-79 for his promotion to Clerical cadre.

4. Pursuant to the said application the then Branch Manager of Muradpur branch called for the original provisional certificate and marksheets and on submission he verified the same. The Zonal office of the Bank also called for the original provisional certificate and the marksheets of Praveshika examination of 1979 for perusal and considering all the papers the concerned workman was promoted to clerical cadre. However to make doubly sure about the result of the examination and marksheets and being fully satisfied the management Bank passed order for promotion to clerical cadre. However to make doubly sure about the remain on probation for a period of 6 months and he would be confirmed after expiry of the probationary period if he is found to be suitable and his work appears to be

satisfactory along with other clauses mentioned therein. On promotion this concerned workman was posted at Dumka branch where he reported for duties on 23-11-79. For his satisfactory service he was also confirmed and in the clerical post he continued for about 12 years approximately. However, in the meantime after a lapse of more than 9 years the provisional certificate and the marksheets submitted by the concerned workman in 1978 was found to be bogus and thereby an explanation was called for from the concerned workman on 9-12-88 for furnishing false certificate of Praveshika examination held in 1978 showing passed in the first division and it was observed finally that he created those papers to get straightway promotion to the clerical cadre and also a criminal case was instituted in the Court of the Chief Judicial Magistrate Patna through Gandhi Maidan Police for filing false certificates as stated under Section 420/468/12 O(B) of the I.P.C. In the said criminal case the concerned workman is on bail. The said case is pending for trial. In the meantime a domestic enquiry was started and on receipt of the memo of the Bank management the concerned workman denied the allegation and had submitted that no false provisional certificate or marksheets was submitted nor he cheated the Bank in any manner and he appeared in the examination and passed the same. The management did not consider his reply to be satisfactory one and a chargesheet was issued on 13/24-5-89 and thereafter an enquiry was conducted by appointing Shri U. C. Mukherjee as Enquiry Officer and appointing Shri M. K. Jaiswal as Presnting Officer which was completed on 20-9-90 and in the enquiry the disciplinary authority found the allegations against the concerned workman to be true and found him guilty for gross misconduct by producing false certificate and marksheets and finally he was dismissed from service which communicated to and received by the concerned workman on 10-9-92.

5. Further case of the workman is that the Office concerned had no authority to conduct the enquiry and the management did not give proper opportunity to the concerned workman for representing him and he was also not given proper time to appeal. Then a representation was made before the ALC(C) Patna for intervention into the matter under the provisions of the I.D. Act., 1947 and as there was no chance of conciliation the matter was sent to the Ministry which resulted reference to this Tribunal.

6. Further allegation of the workman in the W.S. is that the departmental proceeding during the pendency of the criminal proceeding was illegal and it was unfair and unreasonable for initiation of such proceeding in the year 1989 for the incident which took place in the year 1979 and the workman was not supplied with the relevant papers and the enquiry report and the finding of the Enquiry Officer is misconceived and not legal. No legal formalities were observed at all in such enquiry and proper verification of the certificate in question was not made and the enquiry was not fair and proper along with various irregularities

7. According to the concerned workman the certificate received by him and submitted to the department is correct one and the action of the management in dismissing the concerned workman was also discriminatory and it is stated further that other sub-staff having same charge were awarded with lesser punishment and thereby a disproportionate punishment has been inflicted upon him. Accordingly he prayed for reinstatement in the service along with back wages.

8. The management in their W.S. has stated that the concerned workman had been dismissed from the service on 11-4-92 pursuant to the departmental enquiry held against him for showing the Praveshika examination certificate passed in the first division which is bogus one leading him to promotion straightway in the clerical cadre in terms of the promotion policy application. A departmental enquiry was initiated against the concerned workman for such misconduct and a chargesheet was issued accordingly and after conducting the enquiry in lawful manner with reference to the documentary and oral evidence and giving full opportunity to the concerned workman he was found to be guilty of the charges and dismissed from the Bank services without notice as per clause 19.6 (a) of Bipartite settlement of 1966.

9. It is stated further that the misconduct committed by the concerned workman was previous in nature in the Banking Services. Particularly he deserves severe punishment and there is no scope of interference of the said punishment in any manner.

10. It is submitted further that the question of disproportionate punishment for production of such fake educational certificate for straightway promotion to clerical cadre does not arise nor there is any law to wait for the result of the criminal proceeding in that departmental proceeding and thus the punishment imposed upon the concerned workman is justified.

11. In the rejoinder the concerned workman practically repeated the same facts as stated in the original W.S. However it is added that unless the criminal court gives the verdict he should not be punished in the manner nor he should be dismissed. It is stated further that the departmental authority was not impartial as it was stated earlier in imposing sentence as in similar type of cases lesser type of punishment was imposed. So there was no basis to hold that the certificate produced is bogus nor it can be said that the punishment was proportionate. It is stated further that it is the view of the Apex Court that for the charges criminal case is pending till disposal of the same departmental enquiry should be stopped. In the rejoinder the management also re-agitated the points which they already stated.

12. At the very outset it is pertinent to mention that at the time of hearing learned lawyer representing the concerned workman did not agitate any other points except the facts that the punishment was disproportionate for the charge levelled against him. He should be punished in some lesser manner as it was done in case of other.

13. Therefore, practically the scope of the Award becomes shorted though incidentally I am to discuss for adjudication whether the legal procedures for enquiry and the facts of charges levelled against the concerned workman have been substantiated for my satisfaction. Also it is mentioned that by order No. 15 dt 22-11-95 the fairness and legality of the domestic enquiry was accepted and thereafter the case was fixed for hearing of argument on 9-1-96.

14. In the instant case the enquiry file is with me.

15. It was argued by the representative of the management in the light of the written argument submitted by him and considering the said argument along with the argument advanced by the learned Advocate by the workman I am to see whether the action taken by the management is justified.

16. It is an admitted position that the concerned workman was a staff of sub-cadre in the Bank management and also it is not disputed that he straightway got the promotion in the clerical cadre in the year 1979 as per Promotion Policy of the Bank on the basis of the certificate passing equivalent to Matriculation examination. Also it is not disputed that in the year 1988 it is alleged by the Bank that it came to their notice that the concerned workman passed in third division not in first division as claimed by him. Thereby the disciplinary action was taken against him and the enquiry file reveals the mode of enquiry and the materials present therein vide Ext. ME-3, ME-3A, ME-3B, ME-6 and M-11. From other exhibits it is clear that the enquiry authority found that the concerned workman produced the fake certificate from the enquiry proceeding record and consideration of Ext. Ext. ME-3, ME-3A, ME-3B, ME-10, ME-11 with reference to certificate obtained from the Board marked Ext. M-6, ME-7, ME-8 brought in course of enquiry it appears that the management has been able to prove that the concerned workman passed in third division though he produced the certificate showing that he passed in first division to get the promotions straightway to the clerical cadre. There are ample materials marked Ext. ME-7, ME-8 which go to show that the concerned workman passed in third division not in first division and thus this is clear enough that the concerned workman adopted unfair means by producing fake and false certificate showing that he had passed in the first division to get straightway promotion to clerical staff though he actually passed in third division which does not entitle him to get promotion straightway in clerical post.

17. In this context my attention was drawn to para 19.5, 19.6 of bipartite settlement where is specifically mentioned that this type act can be considered to be gross misconduct and for commission of the gross misconduct there is a provision for dismissal to be imposed upon the incumbent for any Bank along with other punishment.

18. Learned Advocate appearing for the workman which I have already stated did not practically challenge the aforesaid facts about the fairness, legality of the enquiry and the charges levelled against the concerned workman. He only submitted that the punishment was disproportionate and a lesser punishment may be imposed in such cases.

19. But the representative of the management in course of argument submitted that in a Bank trustworthy, honesty, integrity, sincerely are the assets of the Bank employees and if any employee be found lacking of one of such qualities he should not be exonerated in any manner specially in the Bank where a person having no integrity and trust worthy should be relied upon and it is unsafe for the Bank as well as for the customers to keep such persons for the public interest.

20. I do agree with the contention of the representative of the management but at the same time I must have to consider which has been urged in the W.S. of the concerned workman that the management was lenient in respect of others having been committed of similar type of offence as it transpires from the W.S. etc.

21. In this record I find that this workman submitted a representation accompanied by some orders passed by the management Bank in a similar case who got promotion in the clerical cadre on the basis of the same certificate. On perusal of the said document which is on record relating to the incumbents Shri U. P. Singh the management took a lenient view considering various circumstances and an order was passed to the tune that he was reverted to his previous post with certain conditions as his certificate was found bogus which was the very basis of his promotion.

22. In the instant case except the fact that the concerned workman produced the bogus certificate that he passed in First division instead of third division nothing had transpired how the certificate was obtained nor it is established by an independent enquiry who was responsible for issuance of such certificate as I find in the case of U. P. Singh. Similar facts appears as it was considered in case of U. P. Singh referred to above that he discharged the work of clerk to the satisfaction of the management and also in case of this incumbent I do not find any adverse report from the Bank management that he did not discharge his work in the clerical post to the satisfaction of the management.

23. Therefore, these facts are clear enough that he possesses the qualification to perform duties of clerk which he discharged for long 10 to 12 years. But when it appears that the very basis of the promotion is warranted so he also deserves the dealing as it was enjoyed by Shri U. P. Singh another clerk by getting lenient view from the management without imposing the capital punishment as it is stated in the service career.

24. So invoking my power under Section 11A of the I. D. Act and keeping in mind that the cheating was caused by the employee of the Bank I interfere with the punishment and I am of the opinion that if the punishment be varied finding him guilty utilising a false certificate that will meet the justice.

25. Accordingly it is ordered that the action of the management of Central Bank of India by way of dismissing the concerned workman Shri Laxmi Narayan Sah from the service of the Bank does not appear to be justified. Already it is served that he deserves punishment but not capital punishment in the service life as it has been imposed. He should be punished for the act or for the charge levelled against him in the following tune.

26. He is reverted back to his original post before his promotion to clerical cadre considering that he was never promoted in the clerical cadre and he would refund the difference of wages and benefits in instalments within three years as it would be fixed up by the management and furthermore

he is not to be allowed any promotion during his service in this Bank and he would be transferred to any other branches of the Bank as the management finds suitable and in that case no right of representation would be on part of the concerned workman for the new post. Also it is ordered that he would get increment etc. from the date of reversion in the sub cadre post but he would not get any back wages for the idle period.

This is my Award.

D. K. NAYAK, Presiding Officer

नई दिल्ली, 25 जनवरी, 1996

का.आ. 411 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धतात्त्व के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चांडीगढ़ के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 24-1-96 को प्राप्त हुआ था।

[संख्या एल-12012/483-86-आईपीआरबीआई]  
पी.जे. माईकल, ईस्क अधिकारी

New Delhi, the 25th January, 1996

S.O. 411.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SBI and their workman, which was received by the Central Government on the 24-1-96.

[No. L-12012/483/86-IRBI]  
P. J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER  
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT, CHANDIGARH

Case No. ID 63/87

R. P. Sood, C/o General Secretary, State Bank of India  
Staff Association, Post Box No. 153, Sector-17,  
Chandigarh.

Vs.

The Personnel Manager, State Bank of India, Personal  
Department, Chandigarh.

For the workman : K. S. Alhuwalia.  
For the management : Shri Nitin Kumar.

#### AWARD

In exercise of the powers conferred by clause 'D' of sub-Section-1 of Section 10 of the Industrial Disputes Act 1947, (for short called as the Act), Central Govt. has referred the following dispute between workman R. P. Sood and the management of the State Bank of India to his Tribunal for adjudication vide letter No. L-12012/483/86-D.II(A) dated 18-8-1987

"Whether the action of the management of State Bank of India in denying the promotion of Shri R. P. Sood, Bank guard to the post of Cashier/Godown Keeper/Bill collector is justified ? If not, to what relief the workman concerned is entitled ?"

On receipt of reference, notices were issued to the workman as well as management. The workman's union appeared and submitted the statement of claim that Shri R. P. Sood was appointed as Bank guard at Millerganj Ludhiana branch of the bank. At the time of his appointment, the minimum educational qualification was 8th pass for appointment as bank guard. Later on Shri R. P. Sood was called for the test for promotion to the post of cashier/godown keeper/record keeper/bill collector. He qualified and was subsequently declared successful in the interview also. Thereafter Shri R. P. Sood was promoted as such subject to his production of 8th class pass certificate. He pleaded that he had passed 8th class examination while studying in M. Dass College Ludhiana but he could not produce any certificate because he passed the said class in the year 1950. According to him, when he passed 8th class no certificate used to be at that time as it used to be a school examination only. Shri R. P. Sood represented to the bank to promote him from subordinate cadre on the basis of Army Discharge Certificate. The bank also got a letter from Capt. P. B. Nair, Record Officer, Officer Incharge, Sena Sewa Corps, Abhilekh (Pasu parivahan) ASC Records (AF) Paharpur, Gaya-823005, showing that highest civil qualification of Rajinder Paul Sood is 9th Class. The management of the bank further treated Shri R. P. Sood as having not passed 8th class. The plea of the workmen's association is that this objection raised by the bank is arbitrary and against the principle of natural justice and a great injustice has been caused to Shri R. P. Sood by not promoting him from subordinate cadre to cashier/godown keeper/record keeper/bill collector. Action of the bank has been pleaded to be illegal, ultravires and against the principles of natural justice. The workman has prayed that the management may be directed to promote Shri R. P. Sood with retrospective effect.

The management in the written statement filed however pleaded that the dispute in question is individual dispute and does not fall within the ambit of Section 10 of the Act not the it been properly espoused. No resolution of the Association indicating that the dispute in question was considered by the Association or that the majority of the workmen have taken part in the deliberation which led to the espousal of the cause of action the workman has been brought on the record, and therefore, reference made is not competent. On merits, it was pleaded that the promotion of Shri R. P. Sood was dependant upon his furnishing 8th class pass certificate from a recognised School. He however failed to submit certificate and as such he was denied promotion. It was also pleaded that when Shri R. P. Sood was appointed as bank guard, it was not necessary that he should have been passed 8th class examination. No qualification was prescribed at that time and as such, he was given appointment as guard without going into the question regarding its qualification. He however failed to prove that he had the requisite qualification so as to be promoted. The certificate issued by the Army Authorities is not a substitute for the certificate which may indicate that the workman had successfully passed the 8th class examination. The management, therefore, prayed for the rejection of the claim of the workman.

The workman's Union submitted replication controverting the allegations of the management in the written statement filed and reiterated those made in the claim statement.

The parties were asked to produce their evidence. Shri R. P. Sood workman appeared in the witness box as WW1 and produced his affidavit Ex. W1 and also produced Ex. W2 copy of the letter dated 17-1-1984, copy of letter dated 12-8-1951 Ex. W3, Ex. W4, copy of rules and Constitution of the State Bank of India Staff Association. In rebuttal the management examined MW1 Surinder Mohan Officer of the Bank who tendered his affidavit Ex. M1 in the evidence. Both the enders of the affidavits were cross-examined. During cross-examination, the workman admitted that he is not in possession of any certificate of 8th Class pass. He however took up the position that he had handed over the certificate to the Army Authorities and stated that Ex. W3 is the copy of the said certificate. The perusal of Ex. W3 shows that Rajinder Pal son of Siri Ram has been certified to be the student of M. Dass College Ludhiana but nowhere reveals that the workman R. P. Sood has passed the 8th class examination. The workman himself has admitted that he has

not passed the 8th class from any recognised school. Although admitted that he is a member of the State Bank of India Staff Association and admitted that no resolution of the association was passed for taking up his dispute with the appropriate govt. On the other hand, the witness of the management has stated that they had verified from the Ludhiana office and also from Assistant Education Officer regarding the existence of M. Dass College Ludhiana. However reply was received from the office of DEO but their branch office confirmed that no such college has been affiliated with education department conducting middle class examination. He testified that they had made enquiries from the Army Authorities from where Ex. W2 the reply was received. Mr. K. S. Alhuwalia, learned representative of the workman has vehemently contended that Shri R. P. Sood is proved to be studied up to 9th class it should taken that he had passed 8th class examination. As not above, there is no evidence on the record to suggest that M. College Ludhiana was a recognised institution for the purpose conducting 8th class examination. The workman has not produced certificate on the file. The management has made adequate enquiry into the matter. Ex. M2 communication received from Punjab University dated 10-6-1987 reveals that M. Dass College Ludhiana might University in the year 1951. There is a merit in the contention raised that no qualification was required for the appointment as bank guard and it is perhaps for this reason that Shri R. P. Sood was given appointment as bank guard without raising any question regarding his qualification. He however failed to prove that he successfully passed the 8th class examination. Being a student of 9th class is entirely different. The certificate ex. W3 is not supported by any official record. It therefore, can not be said to be a valid certificate. The workman can produce the certificate from the Board which used to conduct 8th class examination at the relevant time. As noticed earlier, the management took up the matter with Punjab University and vide Ex. M2 the University had informed that no college of the name of M. Dass College Ludhiana was affiliated to the University in the year 1951. It is therefore, apparent that the certificate Ex. W3 or for that matter by the Army Authorities Ex. W2 can not be said to be substituted for 8th class pass certificate.

However the dispute is of individual workman and it has been referred for adjudication at the instance of the State Bank of India Staff Association. It is not understood, as to how many employees are the members of the Association and how many of them passed the resolution espousing the cause. It was held in Nellore Cotton Mills, Tiruvalvall and Labour Court, Madurai and another 1965 (J) LLJ 95 as under :

"Industrial Disputes Act, Ss 2(k) and 10-Industrial Dispute, when industrial dispute of the individual worker taken up and referred for adjudication at the instance of general union of which some of the fellow workmen in the establishment were members-Labour Court in considering the question as to how many of the fellow workmen who were members of such unespoused the cause of the industrial workmen participating in the resolution of the union. The management raising the plea in their pleadings before the Labour Court that the dispute was individual dispute. The award of the labour court the circumstances quashed."

Similarly it was held in State of Punjab.—The Godhara Transport Co. (P) Ltd. and others AIR 1975 Supreme Court 531 as under :—

"(A) Industrial Disputes Act (1947), Ss 10 and 2(k)-Reference.—Industrial Dispute dismissal of employee-Dispute espoused by only 1/12 of the workmen actually in employment of the company—Held there being no industrial dispute, the reference was incompetent."

In the present case also, the dispute has also not been proved to have been espoused by requisite number of the members of Association. The reference is therefore, incompetent.

For the aforesaid reasons, although reference made by the appropriate Govt. is not competent, yet having regard to the facts and circumstances of the case, the action of the management of State Bank of India in denying promotion to Shri R. P. Sood, Bank guard to the post of cashier/godown

keeper/record keeper/bill collector is justified and Shri R. P. Sood is not entitled to any relief on this score. The reference, is thus answered against the workman. Appropriate Govt. be informed accordingly.

Chandigarh,

Dated December 11, 1995.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 25 जनवरी, 1996

का. आ. 412.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार टेलीग्राफ के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-1-96 को प्राप्त हुआ था।

[संख्या एल-40012/42/92-आई आर (डी यू)]

के. वी. बी. उन्नी, ईस्क अधिकारी

New Delhi, the 25th January, 1996

S.O. 412.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Telegraph and their workmen, which was received by the Central Government on 12-1-96.

[No. L-40012/42/92-IR(DU)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 33 of 1993

In the matter of dispute between :

Baljeet Yadav,  
S/o Sri Kariya Yadav,  
C/o N. C. Pandey,  
C-322-GTB Nagar Kareli,  
Allahabad.

AND

Assistant Engineer,  
Telegraph,  
Microwave Project,  
Takural Bhawan,  
Pishach Mochan,  
Varanasi.

#### AWARD

1. Central Government, Ministry of Labour, vide its notification no. L-40012/42/92/I. R. D. U. dt. 22-3-93 has referred the following dispute for adjudication to this Tribunal—

“Whether the action of Asstt. Engineer Telegraph Microwave Project, Varanasi in terminating the services of Sri Baljeet Yadav, S/o Sri Kariya Yadav w.e.f. 15-12-79 is justified? If not, what relief he is entitled to?”

2. It is necessary to give full facts of the case of after filing of the statement of claim concerned workman did not turn up despite issue of notice. It thus appears that the concerned workman is not interested in the case.

3. In view of above, reference is answered in affirmative. Consequently the concerned workman is not entitled for any relief.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

ई दिल्ली, 25 जनवरी, 1996

का. आ. 413.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बी. बी. एम. बी. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चार्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-1-96 को प्राप्त हुआ था।

[सं. एल-42012/105/92-आई आर (डी यू)]

राजा लाल, ईस्क अधिकारी

New Delhi, the 25th January, 1996

S.O. 413.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of B.B.H.B. and their workman, which was received by the Central Government on the 23-1-96.

[No. L-42012/105/92-IR(DU)]  
RAJA LAL, Desk Officer

#### ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. ID 129/93

Susil Kumar son of Shri Hans Raj . . . Workman  
Vs.

Chief Engineer, Bhakra Dam, Nangal Township, Nangal . . . Respondent.

For the workman : R. K. Singh.

For the management : C. Lal Sareen

#### AWARD

In exercise of the powers conferred by clause 'D' of Section 10 of the Industrial Disputes Act, 1947 (for short called as the Act), Central Govt. has referred the following dispute between Susil Kumar workman and the management of Bhakra Beas Management Board to this Tribunal for adjudication vide letter No. L-42012/105/92-IR(DU) dated 12th October 1993 :—

“Whether the action of the management of Bhakra Beas Management Board, Nangal township in terminating the services of Shri Susil Kumar, son of Shri Hans Raj, store attendant w.e.f. 20-3-92 is legal and justified? If not, what relief the concerned workman is entitled to and from what date?”

On receipt of the notices workman appeared and filed statement of claim alleging therein that his termination is illegal and he is entitled to reinstatement with all consequential benefits. The management filed the written statement controverting the claim of the workman and prayed for the rejection of the claim of the workman. Today the representative of the workman made that statement that the workman

has no evidence to produce and his evidence may be deemed as closed. In view of this the representative of the management also closed its evidence.

Since there is no evidence to substantiate the allegations as made by the workman in the statement of claim, I have no option but to answer the reference against the workman. I order accordingly. Appropriate Govt. be informed.

Chandigarh

Camp Nangal

24-11-95

S. R. BANSAL, Presiding Officer

नई दिल्ली, 25 जनवरी, 1996

का.आ. 414. —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उच्च सीएन के प्रबन्धनतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-1-96 को प्राप्त हुआ था।

[सं. पल-22012/90/92-ग्राउंड आर. (सी-II)]

राजा लाल, डैस्क अधिकारी

New Delhi, the 25th January, 1996

S.O. 414.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of W.C. Ltd. and their workmen, which was received by the Central Government on the 23-1-96.

[No. L-22012/90/92-IR C-II]  
RAJA LAL, Desk Officer

#### ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)  
CASE REF. NO. CGIT/L.C(R)(133)/1992

#### BETWEEN

Shri Bhutan Ramakant, General Mazdoor, Inder Colliery of W.C. Ltd. Kamptee, Nagpur (MS).

#### AND

The Sub-Area Manager, Kamptee Sub-Area of W.C. Ltd., Kamptee, Nagpur (MS).

PRESIDED IN : By Shri Arvind Kumar Awasthy.  
For Workman : Ku. Sulekha Kumbhare, Advocate.  
For Management : Shri A. K. Shashi, Advocate.

INDUSTRY : Coal

DISTRICT : Nagpur (MS).

#### AWARD

Dated, December 29, 1995

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-22012/90/92-IR (C-II) dated 22-6-1992, for adjudication of the following industrial dispute :—

#### SCHEDULE

“Whether the action of the management of Kamptee Colliery of W.C. Ltd., in terminating the services

of Shri Bhutan Ramakant w.e.f. 3-7-1990 is legal and justified ? If not, to what relief the concerned workman is entitled to ?”

2. Admitted facts of the case are that the workman, Shri Bhutan Ramakant, was working as a General Mazdoor at Kamptee Colliery and the charge-sheet on 1-2-1990 was served on the workman for committing the theft of ten Rollers; that after holding the domestic enquiry the services of the workman was terminated by Order dated 3-7-1990.

3. The case of the workman is that the charge-sheet was issued against the workman for committing the theft of ten Rollers on the night of 30-1-1990 and the allegations of theft were totally false; that the workman was not accorded the opportunity to cross-examine the witness and the domestic enquiry was without following the principles of natural justice. The workman has claimed for reinstatement with full back wages.

4. The case of the management is that the workman was caught red handed for stealing of property of the company and the workman fully participated in the domestic enquiry and the services of the workman were terminated in view of the serious misconduct committed by the workman.

5. From the perusal of the domestic enquiry, it is clear that the workman has fully participated in the domestic enquiry and the witnesses of the management were cross-examined by the workman at length. There was no violation of the principles of natural justice during the domestic enquiry.

6. The witnesses of the management Manohar (M.W. 4), Pundlik Keshavrao (M.W. 5) and S. C. Telkar (M.W. 6) have clearly stated that the workman was caught red handed while committing the theft of 10 Rollers of the machine. The finding of the learned Enquiry Officer for the charges against the workman proved is in accordance with the evidence on record.

7. Looking to the gravity of the misconduct the services of the workman was rightly terminated by the management. The action of the management in terminating the services of the workman is legal and justified. Reference is answered in favour of the management. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 25 जनवरी, 1996

का.आ. 415. —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय केन्द्रीय सरकार एम ई सी एन के प्रबन्धनतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-1-96 को प्राप्त हुआ था।

[सं. पल-22012/355/92-ग्राउंड आर. (सी-II)]

राजा लाल, डैस्क अधिकारी

New Delhi, the 25th January, 1996

S.O. 415.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.E.C. Ltd. and their workmen, which was received by the Central Government on the 23-1-96.

[No. L-22012/355/92-IR C-II]  
RAJA LAL, Desk Officer

## ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)  
Case Ref. No. CGIT/LC(R)(59)1993

## BETWEEN :

Shri Tiharu Singh S/o Shri Hari Singh, C/o. Shri  
M. L. Jain, Near Panchayati Mandir, Shahdol (MP).

AND

The Sub-Area Manager, Rajnagar R.O. P.O. Rajnagar  
Colliery, Shahdol (MP).

PRESIDED IN By Shri Arvind Kumar Awasthy.

## APPEARANCES :

For Workman.—Shri M. L. Jain, Advocate.

For Management.—Shri R. Mukhyopadhyay.

INDUSTRY : Coal Mine DISTRICT : Shahdol (MP).

## AWARD

Dated, 3rd January, 1996

This is a reference made by the Central Government, Ministry of Labour vide its Notification No. L-22012/355192-IR(C.II) dated 5-3-1993, for adjudication of the following industrial dispute :—

## SCHEDULE

“Whether the action of the management of the Sub-Area Manager, Rajnagar R. O. under Hasdeo Area of SECL in not allowing Shri Tiharu Singh S/o Sri Hari Singh, Coal Cutting Machine Driver, on his duty since 5-1-90 is legal and justified ? If not, to what relief the workman is entitled to ?”

2. Parties have not filed the statement of claim and Settlement was filed by the parties and it was verified Terms of the Settlement are just and proper. It is duly signed and verified by the representative of the management and the workman. Following are the terms of Settlement :

## TERMS OF SETTLEMENT

1. Shri Tiharu S/o Shri Hari Singh, Ex. CCM Driver be allowed on duty w.e.f. 9-5-95 in the same designation/category as he was enjoying on 4-1-90.
2. The workman shall submit an unconditional apology for remaining absence from 5-1-90 and will also give assurance that he will not repeat such misconduct in future.
3. The total period of absence from 5-1-90 to 8-5-95 will be treated as ‘dies non’ i.e. ‘no work no pay’. However, continuity of services will be allowed for the purpose of calculation of Gratuity only.
4. That no back wages and consequential benefits will be given to Shri Tiharu S/o. Shri Hari Singh for the period from 5-1-90 to 8-5-95.
5. That after signing this settlement the case pending in C.G.I.T. bearing No. R/59/93 will be treated as settled for fully and finally for all purpose and no claim whatsoever will be raised on this account by the workman/union before any forum/Govt Machinery.

3. In view of the aforesaid terms of Settlement, no dispute award is passed. No order as to costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 25 जनवरी, 1996

का. आ. 416.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में केन्द्रीय सरकार उल्लू सी.एल के प्रबन्धतान्त्र के संबंध नियोजनों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 23-1-96 को प्राप्त हुआ था।

[स.एन-22012/338/91-आई आर (सी-II)]  
राजा लाल, डेस्क अधिकारी

New Delhi, the 25th January, 1996

S.O. 416.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of W.C. Ltd., and their workmen, which was received by the Central Government on the 23-1-1996

[No. L-22012/338/91-IR-C-II]  
RAJA LAL, Desk Officer

## ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP).  
Case Ref. No. CGIT/LC(R)(131)1992

## BETWEEN :

Shri Tejram Ramji Narad C/o CITU Office, Walni  
Mines of W.C. Ltd., Tah. Saoner, District Nagpur  
(MS).

## AND

The Sub-Area Manager, Sillewara Sub-Area of W.C.L.  
Sillewara, District Nagpur (MS).

PRESIDED IN By Shri Arvind Kumar Awasthy.

## APPEARANCES :

For Workman.—None.

For Management.—Shri A. K. Shashi, Advocate.

INDUSTRY : Coal Mine DISTRICT : Nagpur (MS).

## AWARD

Dated, January, 3rd, 1996

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-22012/338/91-IR(C.II) dated 22-6-1992, for adjudication of the following industrial dispute :—

## SCHEDULE

“Whether the action of the management of Sillewara Project of W. C. Ltd. in terminating the services of Shri Tejram Ramji Narad, MMI, is legal and justified ? If not, to what relief the concerned workman is entitled to ?”

2. Admitted facts of the case are that the workman, Tejram Ramji Narad, was working as Mazdoor Category I in Walni Colliery and he was dismissed from service with effect from 8-6-1989.

3. The case of the workman is that he fell ill on 29-1-1988 and he was given the certificate by the Medical Officer

of his fitness to join his duties on 8-10-1989; that the management has dismissed the workman without issuing the charge sheet, without conducting the domestic enquiry or giving the opportunity to the workman to defend his case. Workman has prayed for reinstatement with back wages.

3. The case of the management is that the workman was a habitual absentee and in the year 1986 he was on duty for 23 days; in 1987 for 131 days, in 1988 for 1 day and in 1989 he remained absent on all the days; that the charge-sheet of habitual absenteeism was issued and Shri P. N. Thakur Enquiring Officer was appointed; he workman inspite of repeated notices sent by registered post failed to appear in the domestic enquiry; that the Enquiry Officer recorded the evidence of the management and ultimately the order of dismissal was passed on 8-6-1989.

4. Following are the issues in the case :-

#### ISSUES

1. Whether the enquiry is just, proper and legal?
2. Whether the management is entitled to lead evidence before this Tribunal?
3. Whether the charges of misconduct are proved on the facts of the case?
4. Whether the punishment awarded is proper and legal?

5. Issue Nos. 1 & 2 were answered in favour of the management vide order dated 22-9-1995.

6. The Attendance Register and Sick Leave Register along with the other documents of the management fully establishes that the workman was a habitual absentee. The workman has never sent the application during his long absence of one and a half years for the grant of leave. The workman has not disclosed in his statement of claim the nature of his illness and the place where he was treated and the name of the Doctor who had given the treatment the workman was entitled to get the medical treatment in Hospital of the Colliery free of charge. Consequently, the non-disclosure of the nature of illness and the place of treatment and failure of the workman to file the medical certificate and the bills of the medicines purchased, clearly go to show that the absenteeism of the workman was not account of his illness, but was voluntarily and as per his habit. Thus, the action of the management in holding that the workman was guilty of long absenteeism and dismissing him from service is held proper and justified. Reference is answered in favour of the management. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 25 जनवरी, 1996

का.आ. 417 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भी धी एम भी के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23 जनवरी, 1996 को प्राप्त हुआ था।

[रु. एल-42012/51/86-डी-II (बी)]

राजा नाल, डैस्क अधिकारी

New Delhi, the 25th January, 1996

S.O. 417.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure 242 GI/96—6

in the industrial dispute between the employers in relation to the management of B.B.M.B. and their workmen, which was received by the Central Government on the 23-1-96.

[No. L-41012/51/86-D.II (B)]

[No. L-42012/51/86-D.II (B)]

#### ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. ID 39/87

Miss Raj Rani daughter of Late Shri Charan Dass C/o. Shri R. K. Singh, Qr. No. 35-G, Nangal Township, District Ropar. —Workmen

Vs.

The Chief Engineer, Bhakra Dam Nagal Township, District Ropar. Respondent.

For the workmen.—Shri R. K. Singh.

For the management.—Shri R. C. Sharda.

#### AWARD

Central Govt. in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act 1947, (for short called as the Act), has referred the following dispute to this Tribunal between Raj Rani and the management of BBMB Nangal Township vide letter bearing No. L-42012/51/86-D.II(B) dated 15th June 1987 :

"Whether the action of the management of Bhakra Barrage Management Board in terminating the services of Miss Raj Rani, Telephone Attendant in the Bhakra Electrical division Nangal Township w.e.f. 29-11-84 is just and lawful? If not, to what relief is Miss Raj Rani entitled to and from what date?"

On receipt of the reference, notices were issued to workman as well as to the management. The workman submitted her statement of claim wherein she took up the p.e.t. that she joined the services of the management in the Electrical Division in work charge capacity as Telephone Attendant w.e.f. 17-4-1984 and continuously remained employed till 29-11-1984 when her services were terminated without any notice as required under the Certified Standing Orders. It is also alleged that Executive Engineer, Electrical Division recommended her name for making her permanent and her name was also sponsored by the employment exchange for interview and trade test for the regular post of Telephone Attendant and she was also recommended for appointment on 3-12-84, but she was not allowed to join duty after 29-11-1984. It was alleged that her juniors were retained in service and fresh recruitment were made. It is alleged that the action of the management in terminating her service is an unfair Labour Practice and she demanded her reinstatement in service and back wages.

On the other hand, the plea raised by the management is that the workman was appointed as Telephone Attendant on 17-4-1984 for a specified period of 89 days vide office order dated 16-4-1984. On the expiry of the said period, she submitted her departure report on 14-7-1984. She was given appointment for another period of 89 days and reported her arrival on 16-7-1984 and on the expiry of the said term she was relieved on 12-10-1984 and subsequently again appointed for a period of 45 days w.e.f. 16-10-1984 and was relieved on 29-11-1984 on the expiry of her term. It was admitted that though the name of the workman was recommended for regular appointment but due to the policy decision, she could not be appointed. It was denied that the juniors were retained in service. The plea taken is that due to rainy season in the remote catchment area of Bhakra Dam in the Water Regulation Cell, some seasonal appointment for few days were made but these persons are no longer in the service. It was maintained that the reference is not maintainable, because the workman was neither discharged, terminated or retrenched but her services came to an end on the expiry of her terms of employment.

The workman submitted replication controverting the allegations of the management as made in the written statement and reiterated her earlier pleas of the claim statement.

On being called upon to lead evidence, workman Raj Rishi appeared as WW-1 and tendered his own affidavit Ex. W-1. During cross-examination she admitted that vide Ex. M-2 she was appointed for 89 days and her term came to an end on 14-7-1984 and she gave her departure report Ex. M-3. She also admitted that again she worked for a specified period of 89 days from 16-7-1984 to 12-10-1984 and after expiry of her term, the management did not employ any person in her place. She stated that she was ultimately relieved on 29-11-1984 after her last term for 45 days w.e.f. 16-10-1984. She also examined WW-2. OM Parkash who has tendered documents Ex. W-2 & Ex. W-7 and stated during his cross-examination that seniority list Ex. W-2 does not relate to all the Divisions of the Nangal Bhakra Dam.

The management examined MW-1 Krishna Kant SDQ Nangal Electrical Division Nangal who tendered his affidavit Ex. M-1 and documents Ex. M-2 to Ex. M-6. During cross-examination, he denied that the management did not allow the workman to complete 240 days in order to deprive her of the benefits of Section 25-F of the Act. Thereafter, the management closed its case.

Having regards to the facts and circumstances of the case, and after hearing the learned representatives of the parties, I am of the clear opinion that there is no termination of the services of Mrs. Raj Rani workman, so as to entitle her for raising the industrial dispute within the meaning of Section 2(a) of the Act. It would be apparent from appointment letter Ex. M-2, Ex. M-5 and Ex. M-7 that workman was appointed for 89 days, 89 days and 45 days each time for specified term and she was relieved after expiry of her term. These documents Ex. M-2, Ex. M-5 and Ex. M-7 also show that the workman accepted the term of employment offered to her from time to time and on the expiry of the term of employment she gave her departure report as would indeed become clear from Ex. M-3. It is thus quite evident that the management never discharged, terminated or retrenched the services of the workman. On the other hand, her term came to an end on the expiry of period of her employment. Therefore, her claim U/S 2(a) of the Act is not maintainable. Moreover admittedly the workman has not completed 240 days of service; she rendered only 223 days of service. The contention of the representative of the workman that she was not allowed to complete 240 days of continuous service in a period preceding 12 calendar months of her termination and that this act of the management is unfair labour practice is not borne out from the facts and circumstances obtaining in the case nor could it be substantiated by learned representative of the workman. On the other hand on being sponsored her name by the employment exchange, the management held the interview and trade test for regular post of telephone attendant and recommended her for the same. It would be a different matter that she could not be appointed because of embargo imposed upon the recruitments of the personnel by the Chairman of the Bhakra Beas Management Board. In the circumstances, the management can not be blamed for having indulged in an unfair labour practice.

As noticed above, the workman was never retrenched within the meaning of Section 200(bb) of the Act and she can not be held entitled to any relief. The reference is thus, answered against the workman. Appropriate Government be suitably informed accordingly.

Chandigarh.

Dated : December, 13, 1995.

S. R. BANSAL, Presiding Officer.

नई दिल्ली, 25 जनवरी, 1996

का. 418 :—औद्योगिक विवाद अधिनियम, 1947  
(147 का 14) की धारा 17 के अनुसर में, केन्द्रीय

सरकार पंजाब नेशनल बैंक के प्रबन्धतांत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24 जनवरी, 1996 को प्राप्त हुआ था।

[संख्या एल-12012/211/88 डी-II ए/प्राइ आर बी-2]  
धी. के. शर्मा, डैस्क अधिकारी

New Delhi, the 25th January, 1996

S.O. 418.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 24-1-1996.

[No. L-12012/211/88-DIIA/IR. (B-II)]  
V. K. SHARMA, Desk Officer

#### ANNEXURES

IN THE COURT SHRI S. R. BANSAL, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

No. ID No. 56/88

Rakesh Kumar

Workman.

Versus

Punjab National Bank, Regional Office, Kurukshetra.  
... Management.

Present :—

W. R. Shri Rameshwar Malik.

M. R. Shri Rajesh Gupta.

The Central Government vide Notification No. L-12012/211/88-DII(A), dated, the 4th August, 198, referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the Management of Punjab National Bank in dismissing from service Shri Rakesh Kumar is justified? If not, what relief is the workman entitled to?”

On receipt of the above mentioned reference notice was sent to the parties for enabling them to submit their statement of claim and written statement. While the workman filed his claim statement dated 13-2-1989 the respondent Management filed their written statement to the claim statement as filed by the workman. The workman thereafter also filed his replication reiterating the stand as taken by him in his claim statement.

The workman in his claim statement had statement that his services were terminated in violation to the provisions of the Industrial Disputes Act, 1947. He further alleged that the enquiry conducted by the Management leading to his dismissal from service was totally unfair and improper; he further alleged that the enquiry Officer was biased and prejudiced against him and that none of the charge was proved against him. The Respondent-Management however, justified the action and indicated that the impugned order of dismissal was perfectly valid and justified and that the same had been passed after affording the required opportunity as per principles of natural justice.

Both the parties were later on provided an opportunity to lead their evidence. I have also heard their representatives and have also gone through the record carefully.

The workman accordingly filed his affidavit Exhibit W-1 and the respondent Management filed the affidavit Exhibit

M-2 of Shri Rajesh Gupta, Personne 1 Officer, Punjab National Bank, Regional Office, Chandigarh. In his affidavit Exhibit W-1, the workman deposed that the reply filed by the Respondent Management is totally misconceived and that the same is biased on distorted and twisted facts. The workman also produced himself in the witness box for being cross-examined by the opposite party. In his cross-examination, he admitted that he had been charge-sheeted on 21-5-1985 and he was given time to submit reply to the charge-sheet. He also admitted that he filed reply to the charge-sheet. It was also further admitted by him that the departmental enquiry was held against him and that he had engaged a representative for representing himself before the enquiry officer. He also admitted that he had signed the enquiry proceedings conducted by the enquiry officer on all the dates either himself or through his representative. The workman also admitted that the witnesses produced by the Management during the course of enquiry were cross-examined by his representative. He also admitted having received the copy of the enquiry report. The respondent-Management in their affidavit, Exhibit M-2, however, placed on record that the workman had committed certain acts of gross mis-conduct, for which he was placed under suspension on 5-12-1984. It was further alleged that the Management served upon him a charge-sheet dated 21-5-1985 and thereafter enquiry was conducted in terms of the by-partite element and after completion of enquiry, the show cause notice dated 12-4-1986 was served upon the workman proposing the provisional penalty of dismissal from service. According to the Management, the enquiry was conducted perfectly in accordance with the law and the appellate authority also rejected the appeal of the workman against the order of dismissal after affording him required opportunity of hearing. It was specifically asserted that the enquiry officer was a disinterested and a neutral person and that he was not at all biased against the workman. The respondent-Management in their affidavit Exhibit M-2 also stated that the enquiry was conducted by the enquiry officer on various dates and the witnesses were examined in the presence of the workman. According to this affidavit, charge No. 1, 2, 4 and 5 were duly proved against the workman and thus the punishment of dismissal as inflicted upon the workman was perfectly justified and legal. The Management produced Shri Rajesh Gupta in the witness-box for being cross-examined by the representative of the workman and there is nothing in the cross-examination which could help the workman for proving that the impugned order of dismissal was unjustified or illegal. The Respondent Management also placed on record the enquiry proceedings Exhibit M-1, which clearly reveal that the workman and there is nothing in the cross-examination which self before the enquiry officer. The charge against the workman relates to misappropriation of funds of the Bank, which is apparently pretty serious. An official in a Banking Institution is required to perform his duties honestly as a dishonest act on his part is bound to bring a bad name to the Banking Institution. The respondent-Management has provided the required opportunity to the workman and it cannot be said that there has been any denial of justice to him in the matter of holding of an enquiry or affording of an opportunity of personal hearing. The charges against the workman stand proved on the basis of the enquiry conducted against him and the action of the Management in dismissing the workman from service of the Bank, therefore, appears to be perfectly justified. The workman, in my view, is not entitled to any relief. The reference of the Central Government shall stand answered accordingly. The appropriate Government be suitably informed.

Chandigarh.

Dated, December, 15th 1995

S. R. BANSAL, Presiding Officer

नई दिल्ली, 25 जनवरी, 1996

का.प्रा. 419:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वरण में, केन्द्रीय

सरकार पंजाब नेशनल बैंक के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24 जनवरी, 96 को प्राप्त हुआ था।

[संख्या एल-12011/34/91-प्राई ग्राइ बी-2]

वी.के. शर्मा, डैस्क अधिकारी

New Delhi, the 25th January, 1996

S.O. 419.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 24-1-96.

[No. L-12011/34/91-IR (B-II)]  
V. K. SHARMA, Desk Officer

#### ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER,  
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT, CHANDIGARH  
Case No. ID 174/91

General Secretary, PNB Staff Union, Pili Ko'hi, Kaithu,  
Shimla,

Applicant

Vs.

Zonal Manager, Punjab National Bank, Sector-17,  
Chandigarh.

Respondent:

For the workmen Union.—None.

For the management.—Rajesh Gupta.

#### AWARD

In exercise of the powers conferred under sub clause 'd' of Section 10(1) of the Industrial Disputes Act 1947, (for short called as the Act), Central Govt. vide letter bearing his was referred the dispute the following No. 12011/34/91-IR-B-II dated 9-12-1991 has referred the dispute between the workmen Union and the management of PNB to this Tribunal or adjudication:—

"Whether the action of the management of Punjab National Bank in not paying Hill and Fuel Allowance to employees posted at Paprola Branch of the bank is justified? If not, to what relief are the workmen entitled to?"

On receipt of the reference, notices were issued to the workmen as well as to the management. On appearance, workmen Union submitted the statement of claim and pleaded that as per Memorandum of settlement dated 22-11-1979 between the management of different banks as represented by the Indian Banks Association and their workmen, it was decided that Hill and Fuel Allowance shall be paid to the employees at the places situated at a height of over 1000 meters but less than 1500 meters and that IBA accepted the guidelines issued by the Govt. of India, Ministry of Finance No. 11021/4/76 'E'. II(B) dated 3-7-1979 according to which for determination of a hill station, highest point within the municipal statutory limits of the hill station should be taken. It is alleged that Gram Panchayat Paprola is having a height of 1000 mtrs above sea level and that Khasra No. 281 is in Tikka Kharu Mouja Paprola where the said hill point is situated. However according to the workmen's Union, the management is not allowing the benefits to the employees to which they are entitled w.e.f. 1-9-1978.

The management in the written statement filed however

pledged that as per clause 8 of the 3rd Bipartite Settlement dated 31-8-1979, the Hill and Fuel Allowance is payable in the following manner :—

(i) Place situated at a height of and over 1500 meters

10% of minimum of Rs. 35/- & max Rs. 100/-.

(ii) Places situated at a height of over 1000 mtrs but less than 1500 meters.

8% of pay minimum Rs. 30/- maximum Rs. 75/-.

It is also alleged that these provisions were subsequently amended by 5th Bipartite Settlement dated 10-4-1989 making the following amendment effective from 1-11-1987.

(a) The Hill and fuel allowance shall be payable as per

the following revised rates :—

(1) At places situated at a height of 3000 mtr and above

18% of pay  
Max. Rs. 450/-

(2) At places situated at a height of and over 1500 mtrs but below 3000 metres.

8% of pay max.  
Rs. 150/-

(3) At places situated at a height of over 1000 metres but less than 1500 metres and Mercara Town.

6% of pay  
Max. Rs. 110/-

(b) At place which have a height not less than 750 metres and which are surrounded and accessible only through hills with a height of 1000 metres and above the Hill and Fuel Allowance shall be paid as is payable at places situated at a height of 1000 metres and above but less than 1500 metres.

rence is thus an action was taken against the workmen's Union. Appropriate Government be informed.

Chandigarh,  
13-12-1995.

(c) Hill and Fuel Allowance paid at any place not covered by (i), (ii), (iii) & (b) as above in terms of existing provision, decision orders, bank level local settlements or practices shall cease to be payable with effect from the date of this settlement irrespective of the reasons for or name by which it is now paid.

The employees at such places presently in receipt of such an allowance, however, shall continue to draw the then allowance as was drawn by them with their March, 1989 salary by way of fixed personal allowance so long they are posted at that place as workmen employees.

The plea raised is that notification referred to above is connected with the determination of heights of Hill station and the same is different to that of the places at racing hill and fuel allowance. It was also pleaded that the height of highest point in Paprola village is 960 Mtrs. and hence the claim of benefits of Hill and Fuel Allowance as demanded by the Union has no merit.

On the basis of these pleadings, the workman was called upon to file replication. The workman filed replication in which he controverted the allegations of the management as made in the written statement and reiterated his earlier pleas. Thereafter the case was posted for filing of the affidavit by the management. The workmen's Union did not appear therefrom despite notice for 26-10-1995 and hence ex parte proceedings were taken against the workmen's Union under rule 22 of the Industrial Disputes (Central) Rule 1958. The management was called upon to lead its ex parte evidence. In its ex parte evidence, the management has produced Shri S. C. Sharma Manager Paprola Branch who testified that affidavit Ex. M-1 bears his signatures and is correct and may be read as part of his statement. He has in his sworn affidavit supported all the averments made by the management in the written statement and also pleaded that highest point in village Paprola is 960 mtrs. and that the workmen staff of Paprola Branch has regularly been paid Hill and Fuel Allowance w.e.f. 1-11-1987 in terms of clause of 5th Bipartite Settlement. It further reveals that the workmen are not entitled to hill and fuel allowance w.e.f. 1-9-1978 because qualifying height of the highest point should be minimum of 1001 mtrs. from MSL whereas the height of the highest point in Paprola is 960 mtrs. from MSL.

The evidence led by the management has gone unrefuted. The workmen's Union has not led any evidence in support of its allegations as made in the statement of claim. It is thus proved from the evidence led on the file that the action of the management of the Punjab National Bank in not paying Hill and Fuel Allowance to employees posted at Paprola Branch of the bank is justified and the workmen's union is not entitled to anything on this count. The refe-

rence is thus an action was taken against the workmen's Union. Appropriate Government be informed.

Chandigarh,  
13-12-1995.

S. R. BANSAL, Presiding Officer.

नई दिल्ली, 25 जनवरी, 1996

का. शा. 420.——औद्योगिक विवाद अधिनियम, 1947

(1947 का 4) की धारा 17 के अनुसार में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबन्धालंब के संबंध नियोजकों और उनके कारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24 जनवरी, 1996 को प्राप्त हुआ था।

[संख्या: एल-12012/43/89-डी-II-ए/श्राइंगारबी-2]

वी. के. शर्मा, डैस्क अधिकारी

New Delhi, the 25th January, 1996

S.O. 420.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 24-1-96.

[No. L-12012/43/89 DIIA/IR(B-II)].

V. K. SHARMA, Desk Officer

#### ANNEXURE

IN THE COURT OF SHRI S. R. BANSAL, PRESIDING OFFICER, CENTRAL INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Re. No. I. D. No. 87/89

Sita Ram Sharma .. Workman

Versus

Punjab National Bank Ltd., through its Zonal Manager, Ludhiana. .. Management

PRESENT :

Workman/Representative Shri Roop Chand.

Management/Representative Shri Y. S. Chib.

#### AWARD

The Central Government in its exercise of powers vested under Section 10(1)(g) of the Industrial Disputes Act, 1947, had referred the following dispute to this Court vide Notifica-

tion No. L-12012/43/89-D2(A), dated 18-5-1989, for adjudication :—

“Whether the action of the Management of the Punjab National Bank in terminating the services of Shri Sita Ram of Hindustan Commercial Bank Ltd., is justified? If not, to what relief the workman is entitled to?”

2. On receipt of the above reference from the Central Government, notice was sent to the parties. The workman on appearance filed the statement of claim, to which the respondent Management filed their written statement. The workman also filed his reply to the written statement and reiterated the assertions as made by him in his statement of claim. In his claim statement, the workman had alleged that on 15-6-1982, he was appointed as a Peon-cum-Watchman in the Hindustan Commercial Bank with effect from 1-6-1982 on monthly salary of Rs. 245/- and was further appointed as Peon on 13-8-1982 for a period of 18 days and thereafter again appointed on 1-9-1982 for another period of two months. It was further alleged that he thereafter continued to work as Peon-cum-watchman until September, 1986 without any break in service. He also alleged that the Hindustan Commercial Bank was amalgamated with the Punjab National Bank with effect from 24-5-1986 and as per Scheme of amalgamation as published by the Government vide Notification No. 17/2/86-B-iii(ii) dated 18-12-1986, the employees of the transferor Bank were required to continue in service and be deemed to have been appointed by the transferee Bank at the same remuneration and on the same terms and conditions of service as were applicable to the employees immediately before the close of the business as on 24-5-1986. The workman, thus, alleged that his services were terminated without complying with the provisions of the Industrial Disputes Act and his juniors were allowed to be absorbed in the service of the Punjab National Bank, while he was not allowed to join duties after September, 1986. He specifically alleged in his claim statement that the record of the Hindustan Commercial Bank may be summoned, which was after merger in the possession of the Punjab National Bank, to verify the facts that the workman had worked in the Hindustan Commercial Bank from June, 1982 to September, 1986 without any break in his service, as he was also even paid salary upto September, 1986. The respondent Management, somehow, denied the assertions in the statement of claims and asserted that the workman was not on the rolls of erstwhile Hindustan Commercial Bank or even thereafter.

3. Both the parties were thereafter afforded an opportunity to lead their respective evidence, while the work led his evidence in the form of his affidavit dated 18-9-1990 the respondent Management filed the affidavits Exhibit M.1 of Shri Subhash Chander Sharma, and affidavit Exh. M.2 of Shri Sanjeev Sharma, employees of the Punjab National Bank. The witnesses also produced themselves in the witnesses for the purpose of cross-examination by the opposite party.

4. The workman in his affidavit clearly stated that he was appointed as Peon-cum-Watchman in the Hindustan Commercial Bank with effect from 1-6-1982 and thereafter was again appointed as Peon on 13-8-1982 for 18 days and again for two months with effect from 1-9-1982 and thereafter he continued as such till September, 1986 without any break. He further deposed in his affidavit that the Hindustan Commercial Bank was merged with Punjab National Bank and the effective date of merger was 24-5-1986. According to this affidavit of the workman, as per Para 10 of the Scheme for merger, all employees of Hindustan Commercial Bank were required to be continued in service of Punjab National Bank on the same terms and conditions of service on which they were appointed by the Hindustan Commercial Bank. This affidavit also says that the juniors of the workman were absorbed in service, while he was not allowed to join duties after September, 1986. The workman specifically asked for summoning of the relevant record from the Punjab National Bank for verification of facts leading to his appointment and continuance of his service till September, 1986. He placed on record letter dated 15-6-1982, Exhibit W.2 which reveals that he was appointed as Temporary Peon-cum-Watchman for a period of two months from 1-6-1982, at a monthly salary of Rs. 245/- plus usual allowances. Exhibit W.3 is another letter dated 7-4-1982, relied upon by the workman which reveals that he was included

in the panel placed at Merit List No. 111 for purpose of appointment in the subordinate cadre for the branches of the Bank in the States of Punjab, Haryana, Jammu and Kashmir and U.T. of Chandigarh. Exhibit W.4 is another letter of appointment issued by the Hindustan Commercial Bank Ltd., which shows that the workman was appointed as Peon for 18 days with effect from 13-8-1982. Exhibit W.5 is also another appointment letter showing appointment of the workman for two months as Peon-cum-Watchman with effect from 1-9-1982. Exhibit W.6 is another letter dated 18-6-1991, addressed to the Regional Manager, Regional Office, Chandigarh, which reveals that the workman worked for different dates and for different periods with effect from 1-6-1982 till 21-5-1986. Exhibit W.7 is the statement revealing payment of different amounts for specified days for the different periods for which the workman worked in the Bank. This statement is signed by the Manager, Punjab National Bank, Sector 17-C, Chandigarh. The Respondent Management in the affidavit Exhibit M.1 as filed by Shri Subhash Chander Sharma, however, deposed that as per record available with the Bank, the workman was never employed by the Hindustan Commercial Bank on permanent basis and that he never completed 240 days of service on temporary basis in a calendar year. In the affidavit Exh. M.2, of Shri Sanjeev Sharma, it was deposed that Branch Officer, Sector 17-C, Market, Chandigarh, which was previously under the Hindustan Commercial Bank was taken over by Punjab National Bank on 19-12-1986 in accordance with the Notification dated 18-12-86 as issued by the Central Government. It was further alleged in this affidavit that as per recruitment Rules of the Bank, the appointment of Peons is required to be made through the Employment Exchange and that the workman worked in the Hindustan Commercial Bank only on temporary and casual basis. Exhibit M.3 is the Notification dated 18-12-86, which lays down the Scheme for amalgamation of the Hindustan Commercial Bank with the Punjab National Bank. Exhibit M.4 is the Circular of the Punjab National Bank with regard to the recruitment of subordinate staff and Exhibit M.5 is the letter specifying the educational qualifications for the recruitment of Peons, etc. The respondent Management likewise relied upon other document Exhibit M.6 to M.11 concerning appointments in the subordinate cadre. M.W. 1 Shri Subhash Chander Sharma in his cross-examination admitted all the letters Exhibits W.2 to W.7 as issued to the workman by the Bank. He also admitted that separate attendance registers of the staff were being maintained in the Branch Office as also in the Head Office. He also admitted that the entire record of the Hindustan Commercial Bank was lying with the Punjab National Bank, while cross-examining M.W.2 Shri Sanjeev Sharma, this witness denied the suggestion that the Bank was knowingly not producing the relevant record, with a view to show the appointment of the workman from June, 1982 to September, 1986 in the Hindustan Commercial Bank. Somehow, the cross-examination of this witness was deferred for enabling him to produce the relevant record on the next date of hearing and in his statement dated 16-5-1985 as recorded by my predecessor, he deposed that the record of Head Office or of the A.G.M. Office regarding attendance from June, 1982 to June, 1986 was not available. Likewise, he gave the similar reply with regard to the Branch Office for June, 1985 to November, 1985. The Management thereafter closed their evidence. I have heard the representatives of the parties and has also perused the record minutely. The representatives of the parties reiterated the stands already taken by them in their evidence while arguing the case. As stated earlier, the works had specifically been desiring the respondent Management to produce the relevant record of the period from June, 1982 to September, 1986, as he could not be expected to have any record of the said period in his possession with a view to show his continued employment with the Hindustan Commercial Bank upto September, 1986. M.W.1 Shri Subhash Chander in his cross-examination has categorically admitted that the entire record pertaining to the Hindustan Commercial Bank was available with the Punjab National Bank. Interestingly, the other witness Shri Sanjeev Sharma, M.W.2, somehow failed to produce the record. It can very well be presumed that the Bank deliberately avoided the production of the record in the Court just with a view to falsify the claim of the workman and to show that he worked for a period less than 240 days, when the workman is time and again at every stage requesting for the Respondent Management to deny the claim of the workman with regard to his employment by producing the relevant record by the Bank, it was incumbent upon

vant record. Since the Management failed in this behalf, a presumption can definitely be drawn against them and in favour of the workman. Para 10 of the Scheme Exhibit M.3 gives 24-5-1986 as the cut off date for purpose of absorption of the employees of the erstwhile Hindustan Commercial Bank in the Punjab National Bank. The workman is specifically asserting that he continued in the employment of the Bank till September, 1986, which was formally taken over in December, 1986, by the Punjab National Bank and since the Bank has failed to produce the relevant record before this Court for falsifying the assertion of the workman, there is no alternative, but to attach weight to the claim of the workman the post of Peon in a Banking Institution is certainly such a post in the cadre, which is needed for a continuance duration for managing the affairs of a Banking Institution. In the absence of record produced by the Bank, there is no other way out, but to presume that the workman had been working in the Hindustan Commercial Bank continuously for a period more than 240 days as the nature of the job is such that it cannot be said to be seasonal or casual in character. As per statement, Exhibit W.7, the workman was in service of the Hindustan Commercial Bank in May, 1986 and evidently he was also required be absorbed in the Punjab National Bank by virtue of the Notification, Exhibit M.3, particularly when, as alleged by the workman, his juniors were absorbed in the transferee Bank.

In view of the discussion as above, it is accordingly held that the non-absorption of the workman in the Punjab National Bank amounts to a sort of termination, which was not legally justified and, thus, the reference of the Central Government is accordingly answered. The respondent Management is directed to absorb the workman in the service of the transferee Bank with effect from the cut off date as notified vide Notification Exhibit M.3 and the absorption shall however, be without payments of any back wages as back wages were also given.

The reference is disposed of accordingly.

Chandigarh,  
Dated : December 26, 1995.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 29 जनवरी, 1996

का.आ. 421:—केन्द्रीय सरकार का यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित है कि दिल्ली दुर्घट योजना के अधीन दुर्घट आपूर्ति, उद्योग को, जो औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की पहली अनुसूची के मद संस्था-6 के अधीन आता है, उक्त अधिनियम के प्रयोजनार्थ लोक उपयोगी सेवा घोषित किया जाए।

अतः ग्रब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (d) के उपखंड (vi) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार दिल्ली दुर्घट योजना के अधीन दुर्घट आपूर्ति उद्योग को उक्त अधिनियम के प्रयोजनों के लिए छह मास की कालाशधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/14/81-डी-1 (ए)]  
एस. वेणुगोपालन, अवर सचिव

New Delhi, the 29th January, 1996

S.O. 421.—Whereas the Central Government is satisfied that the public interest requires that the industry for the supply of milk under the Delhi Milk Scheme which is covered by Item 6 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to

be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of Clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the industry for the supply of milk under the Delhi Milk Scheme to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/14/81-D. I (A)]  
S. VENUGOPALAN, Under Secy.

नई दिल्ली, 30 जनवरी, 1996

का.आ. 422.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 10 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार दिनांक 8 जून, 1995 को भारत के राजपत्र असाधारण, भाग II खंड 3(ii) में प्रकाशित भारत सरकार के अम मंत्रालय की दिनांक 8 जून, 1995 की अधिसूचना का.आ. 508(अ) में निम्नलिखित संशोधन करती है;

उक्त अधिसूचना में कम संख्या 31 के सामने “धारा 10 की उप-धारा (1) के खंड (छ) के अंतर्गत केन्द्रीय सरकार द्वारा नियुक्त” शीर्षक के अंतर्गत, निम्नलिखित प्रविष्टियां अंतर्निविष्ट की जाएंगी, अर्थात्:—

“डॉ. हरी राम गौतम,  
387-गुरु नानक पुरा,  
करनाल (हरियाणा)”

[संख्या यू-16012/2/94-एस-एस-I]

जे. पी. शुक्ला, अवर सचिव

New Delhi, the 30th January, 1996

S.O. 422.—In exercise of the powers conferred by Sub-Section (1) of Section 10 of the Employees State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment's in the notification of the Government of India in the Ministry of Labour No. S. O. 508(E), dated the 8th June, 1995 published in the Gazette of India, Extraordinary Part II, Section 3(ii) dated the 8th June, 1995;

In the said notification under the heading “Appointed by the Central Government under clause (g) of Sub-Section (1) of Section 10” against Sl. No. 31, the following entries shall be inserted namely:—

“Dr. Hari Ram Gautam  
387+Guru Nanak Pura,  
Karnal (Haryana)”.

[No. U-16012/2/94-SS. I]  
J. P. SHUKLA, Under Secy.

नई दिल्ली, 30 जनवरी, 1996

का.आ. 423.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय भवानी सरकार सी.सी.आई.सीमेंट फैब्रीलि, चरखीदादरी भवानी के प्रबंधतांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच,

अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-1-96 को प्राप्त हुआ था।

[रांगड़ा एल-29011/43/89-आई.आर. (विविध)]

वी. एम. डीविड, ईस्ट अधिकारी

New Delhi, the 30th January, 1996

S.O. 423.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of CCI, Cement Factory Ltd., Charkhi Dadri, Bhiwani and their workmen, which was received by the Central Government on 24-1-96.

[No. L-29011/43/89-IR(Misc.)]

B. M. DAVID, Desk Officer

#### ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

CASE NO. I.D. 93/90

General Secretary, C.C.I. Ltd., P.O. Charkhi Dadri, Distt. Bhiwani .. Applicant

General Manager : C.C.I. Ltd., P.O. Charkhi Dadri, Dist. Bhiwani .. Respondent

For the CCI Cement Factory Men's Union : Charkhi Dadri—None.

For the CCI Karamchari Union : Sh. B. S. Prabhakar

For the Management : Sh. H. N. Mehtani.

#### AWARD

In exercise of the powers conferred under sub-clause 'd' of Section 10(1) of the Industrial Disputes Act, 1947 (for short called as the Act) Central Govt. vide letter bearing No. L-29011/43/89-IR.B. dated 27-6-90 has referred the following dispute between the workmen's Union and the Management of C.C.I. Charkhi Dadri to this Tribunal for adjudication :

"Whether the action of the management of CCI in relation to their Charkhi Dadri Unit in not accepting the demand of CCI Cement Factory Men's Union for correcting the dates of birth of the 20 workmen (as per list annexed) is justified. If not, what relief the workman concerned are entitled to ?"

Sl. No.	Name & Designation Father's Name	Designation	Age as per CCI Record.	Age as per documentary proof.	Details of deocumentar proof DDCL Recd.
1	2	3	4	5	6
1.	Sh. Gopi S/O Dallu Ram	Peon	1-7-1936	10-11-1941	DDCL
2.	Sh. Nasir Ram S/O Ram Nath	M. Attd	1-7-1931	19-1-1937	RDOB

On receipt of the reference notices were issued to the workmen as well as to the Management. The workmen submitted statement of claim on 13-3-1991 and pleaded that they are legally entitled to correction of their date of birth on the basis of documents i.e. school leaving certificate, erstwhile company's record Register of Deaths and Births record etc.

The management however, resisted the claim and pleaded that none of the workman is entitled to any relief. During the pendency of the processing an application was moved by CCI Karamchari Union, Charkhi Dadri for impleading as party. Vide order dated 16-9-1993, the request was allowed and the said union was impleaded as party.

The workman filed affidavit alongwith documents. During the pendency of the preceding. The authorised Representative of the workmen made the statement on 16-3-1995 that the workman as mentioned at Sr. No. 1, 2, 3, 5, 9, 11, 14, 15 and 19 are pursuing their claim by way of Writ petition in the Hon'ble High Court and the reference qua them may, be declined, whereas claim of the workmen at Sr. No. 4 and 8 have since been accepted by the Management, so the claim was treated as settled. Similarly it was stated that mentioned workmen at Sr. No. 6 and 13 had expired and reference qua them be, therefore, declined. It also conceded that the claim of the workman mentioned at Sr. No. 16 was declined by this Tribunal in a separate reference, so his case was not pressed and same may be treated as withdrawn. Sh. B. S. Prabhakar, authorised representative, CCI Karamchari Union Charkhi Dadri made a statement in the following terms.

"The workman at Sr. No. 7 has already joined sponsoring Employees Union again. I, no longer represent him. similarly the case of No. 12 is being contesting by the sponsoring Union of the CCI. None is present either on behalf of the Sr. No. 7 or Sr. 12. Similarly workman mentioned at Sr. No. 10, 17, 18 and 20 have since retired from service of the Management Corporation. If they want to raise the I.D. they can serve individual demand notice under Section 2A of the Act. None is however, present on their behalf. The court may pass appropriate order in the case".

Similarly authorised representative of the Management also closed its evidence. Since none has pleaded on behalf of the sponsoring Union hence ex parte proceedings are taken against the workmen. Since the workman have not led any

evidence to substantiate their claim, this reference is bound to be answered against them, I order accordingly. Appropriate Government be informed.

Place : New Delhi.

Dated : Dec. 28, 1995.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 30 जनवरी, 1996

का.पा. 424 —औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार मैं भारत कोकिंग कॉल लि. की जिलगोश कोनियरी के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2) धनबाद के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 23-1-96 को प्रकाशित हुआ था।

[मंड्या एन-20012(291)/90-आई.प्रा. (कोल I)]

ब्रज मोहन, ईस्क अधिकारी

New Delhi, the 30th January, 1996

S.O. 424.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2) Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Jealgora Colliery of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on 23-1-96.

[No. L-20012(291)/90-IR(COAL-I)]  
BRAJ MOHAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL

#### TRIBUNAL (NO. 2) AT DHANBAD

#### PRESENT :

Shri D.K. Nayak,  
Presiding Officer.

In the matter of an industrial dispute under Section 10(1)  
(d) of the I.D. Act, 1947.

Reference No. 82 of 1991

#### PARTIES :

Employers in relation to the management of Jealgora Colliery of M/s. B.C.C.L. and their workmen.

#### APPEARANCES :

On behalf of the workmen : Shri B.B. Pandey, Advocate.

On behalf of the employers : Shri S. N. Sinha, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 17th January, 1996

#### AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tri-

bunal for adjudication vide their Order No. L-20012(291)/90-I.R.(Coal-I), dated the 19th March, 1991.

### SCHEDULE

Whether the action of the management of Jealgora Colliery of M/s. BCCL, P.O. Jealgora, Distt. Dhanbad in dismissing the workman Shri Bhagwan Das w.e.f. 4/5-11-88 is justified ? If not, to what relief the workman is entitled ?

2. For deciding the reference mentioned above the concerned workman Shri Bhagwan Das filed the W.S. stating inter alia that he was placed into the service as the defendant of his mother who opted for V.R. Scheme and joined as M.C.L. in October, 1985 at Jealgora Colliery and thereafter he was engaged in T.R. Job.

3. After joining and while in service the management issued a chargesheet dt. 12/13-1-88 stating therein that he produced Bihar School Examination Board Certificate showing that he had passed Matriculation examination in 1980 which according to the workman was baseless charge and he gave reply on 7-3-88.

3. Inspite of absence of cogent materials in the departmental enquiry ignoring the principles of natural justice he was found guilty of the charge, levelled against him and an order of dismissal was issued by the management vide letter dt. 4/5-11-88 through the charges could not be proved and the authority had no ground for dismissing him with effect from 4/5-11-88 and the said order was unjustified and he is entitled to be reinstated with full back wages along with other consequential reliefs.

4. The management in their W.S.-cum-rejoinder has contended that applications were invited from P.R. Miner/Loader appointed under V.R.S. to fill up few vacancies of time rated job who had passed Matriculation examination from B.S.S. E.B. and a notice bearing No. AJ/PER/123 dt. 17-10-86 was issued inviting application from eligible workers.

5. Further case of the management is that the said Bhagwan Das was an applicant and filed a certificate passing matriculation examination which was sent to the B.S.S.E.B. Patna for verification. But the same was found to be fake and forged one. Accordingly this act of misconduct was grave in nature and thereby a chargesheet was issued dt. 12/13-1-1988. When no reply was received then another chargesheet was issued to him bearing no. AJ/NPE/463 dt. 5-4-88 directing the delinquent employee to submit reply within 48 hours failing which it was informed that the matter would be heard ex parte. As a result the concerned workman submitted a reply on 11-4-88. As the said reply was not found satisfactory the management appointed Shri A. K. Singh, Sr. P.O. as Enquiry Officer and Shri C. S. Prasad as their representative in the enquiry proceeding. The enquiry proceeding was held on different dates where both the parties adduced their respective evidence and took part therein and ultimately it was concluded on 13-9-88 and on consideration of both oral and documentary evidence the concerned workman was found to be guilty of the charges and he was dismissed from service by issuing a letter of dismissal bearing No. AJ/Dismissal/1319 dated 4/5-11-1988. The domestic enquiry was held in accordance with the law and both the parties took their respective parts and result was passed on the basis of the materials and thereby the order of dismissal was justified which was duly communicated to him. In the rejoinder it is stated that the concerned workman was recruited in the post of her month but on production of the false certificate which was found to be forged one subsequently he has committed serious misconduct and after full enquiry holding the same to be not true he was found guilty and dismissed. Thereby the order of dismissal was not arbitrary nor unjustified.

6. In the rejoinder the workman contended that he never produced any marksheet nor he had applied for the job so he is not liable to be dismissed for any reasons as stated.

7. By order No. 30 dated 8-11-1995 the domestic enquiry held against the concerned workman was admitted to be

fair legal by both the parties and so the case was heard on merit.

8. The management argued the case practically referring the documentary evidence. The first document which was referred to by the management is Ext. 2. It is the reply of the chargesheet issued by the management against the concerned workman marked Ext. M-1.

9. I have carefully perused the domestic enquiry record and I find the statement recorded therein along with the documentary evidence came into the enquiry which took place on 28-4-1988, 7-5-1988, 13-5-1988, 16-5-1988, 13-6-1988 and 13-9-1988. From the enquiry record I find that the concerned workman submitted his contention in writing on 13-9-1988. In the domestic enquiry 10 items of documents were considered which bear the signature of the concerned workman and his representative and thereby it is presumed that all the contents of the documents were brought to the notice of the concerned workman and his representative and those were relied upon for the purpose of consideration of the charges levelled against him. In this context it is pertinent to refer that except the denial in all matters the concerned workman has no specific defence. He has not admitted that he has produced such certificate nor he has claimed to be matriculate. So far I gather from the written statement and argument advanced from the side of the workman that some of his enemy used the fabricated and fake certificate in his name to put him into trouble and to cause harm to him. It was also attempted to argue that nothing was known to him as per advertisement for the greater post as it is the case of the management. However, from Ext. M-10 and Ext. M-4 it is clear that there was invitation of applications for filling up the post mentioned therein from the persons who have passed Matriculation examination or any examination equivalent to it and the same is written in Hindi. In the said advertisement also specific date was mentioned within which time the application is to be produced.

10. On careful scrutiny of the said advertisement or circular it is crystal clear that only the person who passed Matriculation examination or any examination equivalent to it were eligible to apply for the said post. Accordingly an application was made by the concerned workman supported by Marksheets showing passed in Matriculation examination under B.S.S.E.B. Patna and the same was sent for verification and it was found to be fake and false subsequently.

11. I have given my anxious consideration over the matter and I am of the opinion that it is too big a pill to swallow that any person in order to put someone in trouble any fake and fabricated certificate was obtained from the Board and after taking such trouble placed the same before the management for the upliftment of job of the concerned workman which was subsequently found to be fake and forged.

12. There is no cogent material nor it appears from the very trend of argument that there is any such circumstance which leads this Tribunal to hold that it is an outcome of any animosity against the concerned workman in order to deprive the concerned workman from his job.

13. So I accept the version of the management that the concerned workman produced the fake and false certificate to get a promotion being not satisfied even to get a job pursuant to the V.R.S. of her mother and getting the benefit of V.R.S.

14. In view of that circumstances it cannot be said that the charges levelled against the concerned workman was baseless and contrary to the facts. In this premises we may refer to Ext. M-10 the application of Shri Bhagwan Das, the concerned workman pursuant to the notice marked Ext. M-4 and M5 and in view of such application stating falsely and producing false certificate it can be well presumed that it was the misconduct under clause 27(2), 17 and 19 of the certified Standing Orders and that was proved beyond all reasonable doubts.

15. So the person who did not hesitate to the false certificate for getting promotion in the upper grade this can

be well considered to be gross misconduct and it would be really unsafe to keep him in the job who attempted for the betterment in the service after creating a forged certificate and therefore I find no reason to interfere with the findings of the Enquiry Officer leading to the dismissal of the concerned workman from the service with effect from 4/5-11-88 and it is further held that the action of the management of Jealgora Colliery of M/s. Bharat P. O. Jealgora Distt. Dhanbad in dismissing the workman Shri Bhagwan Das w.e.f. 4/5-11-88 is justified and thereby the concerned workman is not entitled to get any relief.

This is my Award.

D. K. NAYAK, Presiding Officer

नई दिल्ली, 30 जनवरी, 1996

का. आ. 425—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसम कोचीन रिफाइनरीज लि. अमबलामुगल के प्रबंधतात्र के संबंद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार लेखर कोट, अर्नकुलम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-1-96 को प्राप्त हुआ था।

[संचया-एल 20040/2/94 आईआर (कोल-1)]

ब्रज मोहन, डैस्क अधिकारी

New Delhi, the 30th January, 1996

S.O. 425.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Labour Court, Ernakulam as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. Cochin Refineries, Ltd. Ambalamughal and their workmen, which was received by the Central Government on 23-1-1996.

[No. L-20040/2/94-IR (Coal-I)]

BRAJ MOHAN, Desk Officer

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM

(Labour Court, Ernakulam)

Monday, the 18th day of December, 1995

#### PRESENT :

Shri Varghese T. Abraham, B.A., LL.M.,  
Presiding Officer.  
Industrial Dispute No. 24 of 1995 (C)

#### BETWEEN

The General Manager (P&A), Cochin Refineries Ltd., Ambalamughal-682302.

AND

The General Secretary, Cochin Refineries Employees' Association, Ambalamughal-682302.

#### Representation :

M/s. Menon and Pai, Advocates, Cochi-18—  
For Management.

#### AWARD

The Government of India as per Order No. L-20040/2/94-IR (Coal-I) dated 12-6-95 referred the following issues for adjudication :—

“Whether the action of management of M/s. Cochin Refineries Ltd., Ambalamughal in imposing punishment of with holding annual increment for two years with cumulative effect till superannuation on Shri K. P. Babu is justified or not ? If not, to what relief he is entitled ?”

2. Notice served on the union. Name of union called. Found absent. Workman is also absent. From this it follows that neither the union nor the workman is interested in pursuing the matter.

3. In the result, reference is answered holding that no industrial dispute is pending to be adjudicated.

Pronounced in open court on this the 18th day of December, 1995.

VARGHESE T. ABRAHAM, Presiding Officer

नई दिल्ली, 30 जनवरी, 1996

का.आ. 426.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डाक के प्रबंधतात्र के संबंद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 24-1-96 को प्राप्त हुआ था।

[संचया एल-40012/11/94आईआर(डी यू)

के.वि.बी.उण्णी, डैस्क अधिकारी,

New Delhi, the 30th January, 1996

S.O. 426.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Post and their workmen, which was received by the Central Government on 24-1-1996.

[No. L-40012/11/94-IR(DU)]

K.V.B. UNNY, Desk Officer

## ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,  
TAMIL NADU MADRAS.  
Friday, the 22nd day of December, 1995

Present :

THIRU N. SUBRAMANIAN, B.A.B.L.,  
INDUSTRIAL TRIBUNAL.

Industrial Dispute No. 61 of 1995

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Post Master General, Trichirapalli & another).

## BETWEEN

The Workmen represented by  
The Divisional Secretary,  
National Union of Postal Employees,  
Nagapattinam-611 001.  
Q.M. Distt. Tamil Nadu.

## AND

1. The Post Master General,  
Central Division,  
Trichirapalli-628 001.
2. Superintendent of Post Offices,  
Nagapattinam-611 001.

## REFERENCE :

Order No. L-40012/11/94-IR(DU), dated  
20-7-95, 5-9-95, Ministry of Labour,  
Govt. of India, New Delhi.

This dispute coming on this day for final disposal, upon perusing the reference and other connected papers on record and both the parties being absent, this Tribunal passed the following.

## AWARD

This reference has been made for adjudication of the following issue:—

“Whether the action of Post Master General, Trichirapalli and Supdt. of Post Offices, Nagapattinam, Divn. in refusing the payment of Flood Advance to its employees is justified ? If not, to what relief the employees are entitled to ?”.

No representation for both till 4.00 p.m. From the 1st hearing onwards both parties did not appear. Hence Industrial Dispute dismissed for default. No costs.

Dated this the 22nd day of December, 1995.  
THIRU N. SUBRAMANIAN, Industrial Tribunal

नई दिल्ली, 31 जनवरी, 1996

का.आ. 427.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक के प्रबंधन के संबंध नियोजकों और उनके कर्मकर्तों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-1-96 को प्राप्त हुआ था।

[संख्या एल-40012/27/92-आईआर (डी.यू.)]

के. वि. धी उण्णी, डैस्क अधिकारी

New Delhi, the 31st January, 1996

S.O. 427.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Post and their workmen, which was received by the Central Government on 24-1-1996.

[No. L-40012/27/92-IR(DU)]

K.V.B. UNNY, Desk Officer

## ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,  
TAMIL NADU MADRAS.

Wednesday, the 20th day of December, 1995

## PRESENT

THIRU N. SUBRAMANIAN, B.A.B.L.,  
INDUSTRIAL TRIBUNAL

INDUSTRIAL DISPUTE NO. 13 OF 1993

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Sub-Divisional Inspector (Postal), Kuzhithurai).

## BETWEEN

Shri P. Rajamani,  
S/o Sh. Ponnumani,  
EDDA Kirathur,  
Manaliveedu 629 164.

## AND

The Sub-Divisional Inspector, (Postal),  
Kuzhithurai Sub-Division,  
Kuzhithurai Distt.,  
Pin. 629 163.

## REFERENCE :

Order No. L-40012/27/92-IR(DU), dated  
19-1-93. Ministry of Labour, Government of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Thiru S. Thiagarajan, Additional Standing Counsel appearing or the Management, upon perusing the reference, claim and Counter statements and other connected papers on record, and the workman being absent, this Tribunal passed the following.

### AWARD

This reference has been made for adjudication of the following issue :—

“Whether the action of the Postal Deptt. in terminating the services of Shri P. Rajamani, EDDA II, Kirathur, w.e.f. 28-2-90 is justified? If not, what relief he is entitled to?”.

No representation for the petitioner till 4.00 p.m. It is posted for enquiry as a last chance. Respondent present. Hence Industrial Dispute dismissed for default. No costs.

Dated, this the 20th day of December, 1995.

THIRU N. SUBRAMANIAN, Presiding Officer

नई दिल्ली 30 जनवरी, 1996

का.आ. 428.—आधिकारिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुवंध में निर्दिष्ट आधिकारिक विवाद में केन्द्रीय सरकार आधिकारिक अधिकरण नं. 2 वंबई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-1-96 को प्राप्त हुआ था।

[संख्या एन-40012/62/93-आईआर (डी यू)]  
के. वि. बी उर्णी, डैस्क अधिकारी

New Delhi, the 30th January, 1996

S.O. 428.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom and their workmen, which was received by the Central Government on 25-1-1996.

[No. L-40012/62/93-IR (DU)]  
K. V. B. UNNY, Desk Officer

### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI  
PRESENT :

S. B. PANSE, Presiding Officer.

Reference No. CGIT-249 of 1994

Employers in relation to the management of  
Telecom Department, Jalgaon

AND  
Their workmen.  
APPEARANCES :

For the workmen—Shri M. S. Chaudhari,  
Representative.

For the management—Shri K. T. Choudhari  
Representative.

Mumbai, the 11th January, 1996

### AWARD

The Government of India, Ministry of Labour by its Order No. L-40012/62/93-IR (DU) dated 3-10-94 had referred to the following industrial dispute for adjudication.

“Whether the action of the management of Telecom, Jalgaon in not giving promotion under B.C.R. promotion scheme w.e.f. 26-10-90 to Shri R. T. Sanasane, Telephone Operator Jalgaon is proper, legal and justified? If not, to what relief the workmen is entitled to?”

2. The Asstt. Circle Secretary of the Union filed a Statement of Claim for the workmen Shri R. T. Sanasane at Ex. '2'. In short the facts of the case are that the workman was appointed as a Telephone Operator on 7-8-63. He was confirmed on 1-3-67. On December 17, 1983 Director General, Post and Telegraphs New Delhi issued a circular to the effect that the officials who have completed 16 years of regular service in the cadre as on 30-11-83 will be granted one time bound promotion w.e.f. 30-11-83. On 7-8-79 Sanasane rendered 16 years of regular service, as such was entitled to time bound promotion.

3. There was a departmental enquiry against the workman. A chargesheet was given to him on 18-11-89. On 30-12-82, D.E. Telegraphs Jalgaon passed an order of punishment which states that “that the pay of Shri R. T. Sanasane Telephone Operator, Jamner be reduced to the minimum time scale of Rs. 260—480 with immediate effect for a period of three years. Said Shri Sanasane will not earn increments of pay during the period of reduction and that on the expiry of this period the reduction will have the effect of postponing his future increments of pay.”

4. As per the order of punishment the worker was brought to the minimum of pay scale of Rs. 260 and after the punishment period i.e. on 31-12-85 he was allowed to draw the pay scale of

Rs. 420. It is submitted that due to the punishment he was not allowed to cross the efficiency bar. The worker was not granted increment during 30-12-82 to 30-12-85. He was not allowed to cross the efficiency bar on 1-8-82 and he was not granted a time bound promotion w.e.f. 30-11-83 and he was not granted to draw pay of Rs. 1,420 w.e.f. 1-1-86. Therefore, it amounts to double jeopardy or more than two penalties at the same time and for one mistake.

5. It is contended that on 16-10-90 the department of Telecommunication New Delhi issued instructions stating that B. C. R. Promotions has to be given to the officials those who have rendered 26 years of regular service as on 26-10-90 and they should be given pay scale of Rs. 1600-2660 w.e.f. 26-10-90. It is averre that on 26-10-90 the worker rendered 26 years of service. Even then he was not granted B.C.R. promotion. It is averred that even though the worker applied for leave on medical certificate during the period from 1984—1990 his leave was treated as Extra Ordinary Leave and some portion of leave is treated as DIES NON. For all these reasons it is prayed that the worker may be given one time bound promotion w.e.f. 30-11-83 and promotion under B.C.R. scheme w.e.f. 26-10-90 with all consequential benefits.

6. The management filed its written statement at Ex-'5'. It is submitted that the worker was allowed to draw pay of Rs. 420 w.e.f. 30-12-85. He was not allowed to cross efficiency bar due to the punishment inflicted on him. It is averred that in general the official is entitled to fix his pay but in this particular case he was absent from duty w.e.f. 1-11-85 to 1-9-86 and the period is treated as DIES NON and hence his pay is fixed on Rs. 1,390 as per the D.E.T. Jalgaon's letter dated 13-7-87.

7. It is contended that due to the punishment he was not granted increments during 30-12-82 to 30-12-85 and he was not allowed to cross efficiency bar on 1-8-82. It is submitted that the time bound promotion was also not allowed to him because of the existency of one punishment.

8. The management pleaded that B.C.R. Promotion has to be given to the officials who have rendered 26 years of regular service as on 26-10-90 and they should be given pay scale of Rs. 1,600—2,600 w.e.f. 26-10-90 provided the record of the official is O.K.

9. The Management asserted that the workman has not rendered 27 years of qualifying service as on 26-10-90 i.e. from 31-3-81 to 27-2-88. The period of 1343 days was treated as DIES NON. It is submitted that due to these facts the worker was not entitled to any promotions as claimed for.

10. The issues that fall for my consideration and my findings there on are as follows :

## ISSUES

## FINDINGS

1. Whether the action of the management of Telecom, Jalgaon in not granting promotion under B.C.R. promotion to Shri R. T. Sanasane, Telephone Operator, Jalgaon is proper, Legal and justified? No
2. If not, what relief the work As per men is entitled ? final Order.

## REASONS

11. Certain facts can be said to be undisputed Sanasane was appointed as telephone operator on 7-8-63. He was in continuous service. On 7-8-79 he completed 16 years of service and on 26-10-90 he completed 27 years of service. On 18-11-81 the disciplinary proceeding was started against him and on 30-12-82 he was punished in the following words :

“That the pay of Shri R. T. Sanasane, Telephone Operator, Jamner be reduced to the minimum time scale or Rs. 260—480 with immediate effect for a period of three years. Said Shri Sanasane will not earn increments of pay during the period of reduction and that on the expiry of this period the reduction will have the effect of Postponement of his future increments of pay.”

He was not given time bound promotion with effect from 30-11-83 and also promotion under the B.C.R. scheme w.e.f. 20-10-90.

12. Ramkrishna Tukaram Sanasane, (Ex-9) affirmed as per his application. The management did not cross examine him. In other words whatever deposed by him goes unchallenged, C.B. Wagh (Ex-13) T.D.M. Jalgaon affirmed that as there was a punishment against the worker he was not allowed to cross the efficiency bar. He also affirmed that due to the existence of the punishment he was not given the promotion. According to him his case was considered for both the promotions on many occasions but he was not considered suitable for the same. Wagh affirmed that the workman was granted E.O.L. and that cannot be taken into consideration for qualifying period for granting one time bound promotion. He admits that the worker was not informed regarding not considering his case of one time bound promotion.

13. On 16-12-83 D.G.P and T issued a circular in respect of one time bound promotion agreement. As per the said agreement the officials belonging to the basic grades in Group C and Group D to which there is a direct recruitment and who have completed 16 years of service in that grade will be placed in the next higher grade. This was to take effect from 30-11-83. Admit-

tedly the worker completed 16 years of service on 7-8-79. Under such circumstances he was entitled to one time bound promotion.

14. It is argued on behalf of the management that such a promotion was not given to the worker in view of the existing punishment. The punishment was awarded to the worker on 30-12-83. The effect of one time bound promotion was to take place on 30-11-83. As per the punishment order the worker was not entitled to get increments for three years. When the punishment was awarded the said agreement or circular was not in existence. It is rightly argued in behalf of the worker that by not giving the worker one time bound promotion he is awarded two punishment for one act which is not permissible. In view of the said agreement the worker was entitled to one time bound promotion on 30-11-83. In other words taking in to consideration his basic pay of Rs. 260/- as per the order of the punishment, he was to be given promotion on 30-11-83, as he completed 16 years of service.

15. Annexure 'D' (Ex-3) clearly states that even of the punishment to reduction of lower stage in time scale is awarded that does not restrict the competent authority for granting the promotions. After perusal of the scheme on one time bound promotion Annex-'A' I do not find anything to give right to the authorities for not giving one time bound promotion to the worker.

16. On 16-10-90 department of Telecommunication New Delhi issued instructions which relate to B.C.R. promotions. There are different criterias for giving such promotion. In the beginning of the said circular it is mentioned that the demand of second time bound promotion on completion of 26 years of service in the basic grade is not acceptable. Thereafter it is mentioned that the government accepted the leave for Binnail Cadre review under which the post can be upgraded on the basis of functional justification. Then they had given different rules for considering the case for giving the promotion after completing 26 years of service. Wagh affirmed that the case of the worker was considered but he was not given promotion. It is on the basis that the worker did not complete the requisite qualifying service as on 26-10-90 as from 31-12-81 to 21-2-88 for a period of 1343 days he was treated as DIES NON.

17. It is argued on behalf of the worker that the management has filed documents at Ex-'7'. To support their cases of DIES NON w.e.f. 1-3-81 to 5-6-85. It is submitted that Law Personnel file No. 490 is not traceable in record. Hence the record is not supplied. It is submitted that the Appendix KLL (Ex-8) deals with leave application of the worker. It is contended that these applications were supported by medical certificates and as such cannot be treated as DIES NON. Moreover

the period w.e.f. 1-1-86 to 1-9-86 for 244 days is treated as leave. In view of the circular on Telecom department dt. 14-2-92 qualifying service and regular service are two different terms. The Extra Ordinary Leave without medical certificate shall be taken into account towards regular service for the purpose of promotion under time bound promotion scheme. The qualifying service has to be taken into account for the purpose of additional benefit and not for promotion. The worker was not informed the qualifying service in form 24. For getting the B.C.R. Promotion 26 years of a regular service has to be taken into consideration. The worker had completed 26 years of regular service.

18. It has to be stated that the worker was not given an opportunity to give his statement why his services should not be treated as DIES NON. No disciplinary action was taken against him before treating his services as DIES NON. Wagh admits that there is no break in service of the worker between 7-8-63 to 26-10-90. In other words his service is uninterrupted, entitling him the promotion.

19. Wagh admits the fact that no record is produced in respect of the departmental promotions committee. He affirmed that on many occasions the case of the worker was considered for the promotion but he was found unfit. The reasons for treating the worker unfit for all these promotions have not come on record. The one reason which Wagh had given that he had not completed 26 years of service is not acceptable as stated above.

20. After filing of the reference the worker expired. His widow Suman Bai Ramkrishan Sanasane was brought on the record on 20-12-95. Now she entitled to the relief which worker was entitled to. For the above stated reasons I make the following Order :

#### ORDER

1. The action of the management of Telecom, Jalgaon in not giving promotion under B.C.R. Promotion Scheme w.e.f. 26-10-90 to Shri R. T. Sanasane, Telephone Operator, Jalgaon is not proper legal and justified.
2. The management is directed to give him Promotion under B.C.R. Scheme w.e.f. 26-10-90.
3. The management is also directed to consider the recitals in this award while fixing the pay scale of the worker.
4. The widow of the deceased is entitled to Monetary benefits which the worker was entitled to.

S. B. PANSE, Presiding Officer

तर्फ दिल्ली, 30 जनवरी, 1996

का.आ. 429.—आंशोधिक विभाग अधिनियम, 1947

(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.टी.एन.एल. के प्रबंधन के संबंध में ज्योजनों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट आंशोधिक विभाग में केन्द्रीय सरकार आंशोधिक अधिकारण, नं. 2, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-1-96 को प्राप्त हुआ था।

[संख्या एन-40012/140/93 आह्वार (डी.यू.)]  
के. वी. श्री. उण्णी, डैस्क अधिकारी

New Delhi, the 30th January, 1996

S.O. 429.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of MTNL and their workmen, which was received by the Central Government on the 25-1-96.

[No. L-40012/2/140/93-IR(DU)]

K. V. B. UNNY, Desk Officer  
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO .2, MUMBAI  
PRESENT :

Shri S. B. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/60 of 1994.  
BETWEEN :

Employers in Relation to the Management  
of the Mahanagar Telephone Nigam  
Ltd.,

AND

Their Workmen.

APPEARANCES :

For the workmen : Mr. B. W. Vaidya, Advocate.

For the employer : M/s. S. I. Shah & Co., Advocate.

Mumbai, dated 12th Janury, 1996

### AWARD

The Government of India, Ministry of Labour by its Order No. L-40012/140/93-IR(DU) dated 16-11-94 had referred to the following Industrial Dipute for adjudication.

"Whether the action of the employer MTNL Bombay in retrenching the services of

Shri R. B. Ambati, casual driver with effect from 27-5-1987 is justified ? If not, what relief the workman is entitled to ?"

2. Shri R. B. Ambati, the worker contended that on 17-10-85 he was employed as casual driver in MTNL. On 27-5-87 his services were terminated by the Asstt. Engineer. He contended that in this period his services was uninterrupted and without any blemish.

3. The worker pleaded that before terminating his service the management did not follow the provisions of section 25F of the Industrial Disputes Act. He was not given a notice nor a compensation as required under the provisions. Under such circumstances the termination is void Ab initio.

4. The worker contended that he made representations to the authorities for employing him again but it was of no use. He even made representations to the Labour Commissioner. He tried to have a conciliation proceeding but could not succeed. He sent his afaillure report to the government. For all these reasons it is prayed that his termination action is void and the management may be directed to reinstate him with full back wages with other reliefs.

5. The management resisted the claim by the written statement Ex-'4'. It is averred that the reference is barred by limitation. It is pleaded that the management's action in terminating the worker is justified as per the provisions of the service rules applicable to him. The Department of Telecommunication issued a circular dtd. 30-5-85 and directed that the services of the casual workmen taken on muster role after 30-3-85 are to be dispensed with. It is therefore, the services of the workmen was terminated w.c.f. 27-5-87. It is averred that the worker was appointed to meet out emergency requirements. No terms and conditions were fixed for casual labourers. It is averred that the worker was not engaged through employment exchange.

6. The management asserts that the casual labourer is not a workmen under Industrial Disputes Act. It denied that the services of the workmen which was terminated was retrenchment within the meaning of section 2(00) of the Industrial Disputes Act. It is submitted that under such circumstances the workmen is not entitled to any relief which he claimed.

7. The issues that fall for my consideration and my findings there on are as follows :

Issues	Findings
1. Whether the action of the MTNL in retrenching the services of R. B. Ambati. Casual Driver w.e.f. 27-5-87 is justified ?	No

2. If not, to what relief the workmen is entitled to ? As per final order.

### REASONS

8. R. B. Ambati (Ex-8) the worker lead evidence to the fact that after the termination of service he tried to get the employment but could not succeed. He is not employed. In his cross examination nothing has come on the record to suggest that he is gainfully employed. His case is based on documents and the law.

9. S. Ramrao (Ex-14) the Sub-Divisional Engineer of Mazagaon Telephone Exchange admits that the worker was retrenched on 27-5-87. Ex-7/3 is an information in respect of Ambati. This deals with his service career. From the Attendance particulars of Ambati, Casual Driver it reveals that from October, 1995 to May, 1987 he is in continuous service. It is not in dispute that he worked for more than 240 days in a year. Ramrao admits that the worker was not given retrenchment compensation.

10. Section 25B(2) defines what is meant by a continuous service. Mr. Vaidayad the learned Advocate for the worker argued that from the admitted facts the worker has to be said in continuous service as contemplated under section 25B of the Industrial Disputes Act. I accept this contention.

11. Section 25F of the Act defines conditions precedent to the retrenchment of a workman. It states that no workmen employed in an Industry who has been in continuous service for not less than 240 days under the employer shall be retrenched by the employer until one month's notice in writing and payment of retrenchment compensation contemplated under section 25F(B) is given. Here in this case the worker was not given one month's notice and the compensation. The notice which was given to the workmen is of termination (Ex-'A', Statement of Claim).

12. Ramrao admits to have received the circular dated 22-9-89 by Telecommunication Department (Ex-12/1). This circular clearly spells out that casual labourers have to be treated as the workers and there is an applicability of the Industrial Disputes Act, of 1947 for retrenching the Casual Labourers in the department. Relying on the said circular Mr. Vaidya the Learned Advocate for the worker argued that as the procedure for retrenchment was not followed by the management while retrenching the worker he is entitled to reinstatement in service in continuity with full back wages.

13. To substantiate this contention he placed reliance on different authorities. In Mohanlal V/s. Management of M/s. Bharat Electronics Ltd. (1981) through Supreme Court case 225 Their

Lordships discussed the points of retrenchment. that was case where in the sales man was appointed initially for a probation of six months and his probation was extended later on. In the extended probation period his service was terminated. He raised the Industrial Dispute. The Labour Court came to the conclusion that it cannot be called a retrenchment as defined in section 2(oo) of the Act. In the appeal their Lordships observed that from the appointment order it is very clear that it was a temporary appointment which was to be made permanent. Assuming that the appointment was on probation for six months and it was extended, termination of service having been ordered during or at the end of the probation period on the ground of instability. It is observed that the termination by the employer of the service of the workman have no reason whatsoever which constituted retrenchment under section 2(oo) except in cases exempted under the section itself. Here in this case the case of the worker does not fall in the category of the exemptions nor it is alleged by the management that it so falls. Therefore, as held in the above said authority it has to be stated that it is retrenchment. It can be further seen that in Mohanlal's case when the Lordship came to the conclusion that the retrenchment is void Ab initio the worker was entitled to declaration that he is in continuous service and entitled to back wages and consequential benefits. On the same analogy here in this case worker is entitled to all these benefits.

14. Santosh Gupta V/s. State Bank of Patna (1980) through Supreme Court Cases 340. In that case it is observed their Lordships that Retrenchment includes all points of termination of service by employer for no reason whatsoever except those not expressly excluded in section 25F or non-expressly provided for in section 25 FF-25FFF. That was a case wherein the workmen was discharged on the ground of his failure of pass confirmation test. It amounted to trenchment. Here in this case the worker was terminated because of the circular dated 10-2-87 (Ex-7/4) issued by General Manager. Relying on the ratio given in this authority it has to be stated that as the case does not fall under the exceptions given in the above said section. It is a retrenchment and there should be compliance of section 25F of the Act.

15. Surendra Kumar Verma & Ors. V/s. Central Government Industrial Tribunal-cum-Labour Court, New Delhi and Anr. (1980) 4 Supreme Court cases 443. Their Lordships have observed that normally in case of unjustified termination of service workmen are entitled to the relief of reinstatement with full back wages even if occasional hardship is suffered by the employer. The Courts have discretion to deny the relief only where special impediments by way of awarding such relief is clearly shown. Here no case is made out

for refusing reinstatement with full back wages. Under such circumstances relying on the ratio given in the above said authority the worker is entitled to reinstatement with full back wages.

16. Suryakant Raghunath Darole & Ors. Vs. The Divisional Railway Manager, ATR 1988 (1) CAT 158. That was case of the Railway servants who were casual labourers popularly known as Kalasis. Their services were terminated without notice, being the junior most. There was no compliance of section 25F of the Act. The Lordship observed that the termination without compliance of Section 25F is bad. It is held that ordinarily when the termination is found to be bad and illegal in the field of Industrial Relations the declaration follows that the workmen continued to be in service and has to be reinstated with full back wages. Relying on the above said ratio the relief which the workmen sought have to be granted.

17. The Learned Advocate for the management to substantiate their contention placed reliance on Delhi Development Horticulture Employees Union Vs. Delhi Administration (AIR 1992 SC 789). That was a case where the casual labourers wanted employment on regular basis. The Learned advocate for the worker argued that it is not claiming in employment on regular basis but he wants that whatever he was getting was to be restored as his case is not of getting a regular employment. The ratio of that case is not applicable.

18. Mrs. Shah the Learned Advocate for the management also placed reliance on Union of India & Ors. Vs. Rajendra Kumar Sharma AIR S.C. 1317. That was a case where in their Lordships observed that the daily rate or casual employees not entitled to wages for days they don't work. On the basis of this authority it is tried to argue that as the casual labourer has not worked he is not entitled to any wages. The ratio appears to be that the claim of the casual labourers in that case was for getting wages for holidays and Sundays was rejected. The facts are quite different and it has not application to the present set of facts.

19. In the statement of Claim it is contended that the worker made representation to the management on 16-7-92. Thereafter made representation to the Labour Commissioner on 15-4-93 (Ex. C, Statement of Claim). The Asstt. Labour Commissioner send his failure report dtd. 26-7-92 (Ex. D, Statement of Claim). It is tried to argue that even though the worker was terminated on 27-5-87 he kept idle for about five years and then raised a dispute. It is barred by limitation. No limitation is prescribed for raising an Industrial Dispute. No doubt now the Law is developed to the fact that if the claim is set-

ted then it has to be rejected. Looking to the circumstances of the cases it cannot be rejected on the ground of laches. A judicial notice has to be taken of the fact that these workers are illiterate. They always approach the management for getting the job and make their representations orally. This is the normal practice. If they don't succeed then only they resort to the written requests and representations to the Labour Commissioner. This is not a case of representation by the union. It is a case of an individual. It therefore find that there is no merit in the contention that it is barred by limitation.

20. At Ex-17 & Ex-19 two purshis are filed by the management on the basis of the cross examination of the management witness. By these purshis it is tried to inform to the Tribunal that after the termination of the worker there is new recruitments in Mazagaon Telephone Exchange, Bombay. Mr. Vaidya the Learned Advocate for the worker argued that these purshis have no relevancy and he is entitled to the relief in view of section 25H of the Act. It deals with reemployment of retrenched worker. According to him the purshis relate to employment of casual labourer. He argued that there is no question of employment of a casual or regular worker. The section nowhere speaks regarding the reemployment of a regular or casual worker. It has to be seen whether that worker offered himself on reemployment or not. In such a case he has the preference over other persons. Here in this case the worker is ready to do the job. There is no purshi to the fact that there was no employment at all. Under such circumstances I accept the contention of the Learned Advocate for the workmen. For all these reasons I have my findings on the issues accordingly and passed the following order :

#### ORDER

1. The action of the employer MTNL, Bombay in retrenching the services of Shri R. B. Ambati Casual Driver w.e.f. 27-5-1987 is not justified.
2. The management is direct to reinstate the workman immediately.
3. The management is directed to treat his services in continuity from the date of retrenchment i.e. 27-5-1987 and pay him the monetary dues from that date till his employment.
4. No order as to costs.

S. B. PANSE, Presiding Officer

नई दिल्ली, 30 जनवरी, 1996

का.आ. 430.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार करन्सी नोट प्रैम के प्रबंधतात्र के संबद्ध नियोजकों

और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2 बन्वई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-1-96 को प्राप्त हुआ था।

[संख्या एल-16011/7/89-आईप्रार (डी यू)]  
के.वी.बी. उन्नी, डैस्क अधिकारी

New Delhi, the 30th January, 1996

S. O. 430.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Currency Note Press and their workmen, which was received by the Central Government on the 25th January, 1996.

(No. L-16011/7/89-IR (DU)  
K. V. B. UNNY, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 MUMBAI

##### PRESENT :

SHRI S. B. PANSE, Presiding Officer.

REFERENCE NO. CGIT-2/25 OF 1990

Employers in relation to the management of  
Currency Note Press, Nasik

And  
Their Workmen.

##### APPEARANCE :

For the Workmen.—S/ Shri P. R. Namjoshi  
& P. M. Palshikar Advocates.

For the Management.—Shri B. M. Masurkar  
Advocate.

Mumbai, dated the 10th January, 1996

#### AWARD

The Government of India, Ministry of Labour by its order No. L-16011/7/89-IR(DU) dated 19-9-90 had referred to the following Industrial Dispute to this Tribunal for adjudication :—

“Whether the action of the management of Currency Note Press Nasik in relation to its workmen of the press in not paying 100 per cent incentive benefits to all staff members and not paving the incentive on the amount of House rent allowance and City Compensatory allowance by treating it as salary for

incentive is justified ? If not, to what relief the workmen are entitled to?”

2. The General Secretary, ISP & CNP Staff Union filed a statement of claim at Ex-2'. It is contended that their union is a registered Trade Union and functions in the interest and welfare of the employees of the India Security Press and Currency Note Press.

3. Incentive Payment Scheme came into existence originally w.e.f. 1-6-1984 and revised Group Incentive Scheme came into effect from 14-2-86. The union relies on both the schemes sponsored by the management for the payment of incentive.

4. Both the schemes envisaged classification and categories of workers of the factory. In fact, there is no reasonable criteria for making discrimination as is sought to be done in both the schemes. It is submitted that all the workers employed there are giving production on the basis of their collective efforts. While framing incentive scheme the management ignored the judgment of the Supreme Court and the definitions of the workers given by the Factories Act and Shop and Establishments Act. It is submitted that all the workers are entitled to 100 per cent incentive payment and classification sought to be made by the management under both the schemes as unreasonable and discriminatory. The scheme has no reasonable criteria as to why different employees have been treated differently though their works is essentially connected with the manufacturing process, going on in the factory. It is averred that the distinction sought to be made under these schemes in respect of the direct and indirect workers has no legal bearing and base and therefore the whole scheme must be made applicable irrespective of the categories in which all the employees are working except those excluded by the factories Act. It is therefore submitted that all the workers governed by the factories Act should be granted 100 per cent incentive. It is submitted that the scope of the reference is also widened. In that, the amount of House Rent Allowance and City Compensatory Allowance will have to be treated as salary for calculating incentive payment. It is therefore, submitted that while calculating the payment of 100 per cent incentive to all the workers of the factory without any artificial classification, the House Rent Allowance and the City Compensatory allowance should be taken into consideration. For all these reasons it is prayed that the Reference may be answered in favour of the Union and necessary direction may be given to the management for carrying out the monetary relief

5. The General Secretary of the Departmental Security Organisation filed a statement of Claim

at Ex-7'. This union practically took the same contentions which the other union had taken. It is submitted that they are also entitled to 100 per cent incentive as the factory workers under the said scheme. It is also submitted that the House Rent Allowance and City Compensatory allowance has to be treated as a salary for the purpose of 100 per cent incentive.

6. The management resisted the claim by the written statement Ex-3 and 8. It is denied that there is no reasonable criteria laid down in the two Group Incentive Schemes. In both these schemes classification and categorisation of the workmen on the Currency Note Press by laying down clear cut norms by which the various categories of the workmen could be identified. The two schemes which are more or less identical provide the definition of a direct worker, means that the workmen who belong to Technical and Control section. Under the said scheme there are three categories made. These workers who are connected directly on the production of the basic material, are eligible for 100 per cent incentive while remaining categories are brought under indirect workers. Again the indirect workers are further classified into those who will earn 76 per cent and 25 per cent incentive. It is submitted that there is no ambiguity for making such a classification. It is averred that there is no arbitration in the said classification. It is submitted that the contention taken by the unions in respect of the definition of the worker in the factories Act and Shops and Establishments Act has no meaning. It is averred that the right to classify the workmen into direct and indirect workers in the incentive scheme is an inherent right of the employer which need not be incorporated in any enactments of the legislature. It is submitted that so long as the employer has right to grant incentive to his workmen he can make categories of the workmen into different classes and grant them incentive at different rates depending upon their direct or indirect of their effort for the production. For all these reasons the reference may be answered in favour of the management.

7. The Points that fall for my consideration and my findings there on are as follows :

Points	Findings
1. Whether the action of the management of Currency Note Press Nasik in relation to its workmen of the press in not paying 100 per cent incentive benefits to all staff members and not paying the incentive on the amount of House	The Action is justified

2. Rent Allowance and City Compensatory Allowance by treating it as salary for incentive is justified ?	Does not Survive.
3. If not, to what relief the workmen are entitled ?	As per final order.
3. What Award ?	

### REASONS

8. M. Venkatramana (Ex-11), Prafulla Badve (Ex-12) and Vishwanath Shriode (Ex-1) the office-bearers of the Union affirmed on behalf of the unions. They affirmed that the classification which is carried out under both the schemes in regard to the worker is unjustified and had no legal basis. There is no dispute that for the payment of incentive initially the scheme was declared on 1-6-84 and it was later on modified on 14-2-86. Under the said scheme Asstt. Inspector Control, Inspector Control, Asstt. Supervisor, Asstt. Works Engineer, Dy. Works Engineer, Works Engineer, Asstt. Store Keeper, Deputy Store Keeper, Canteen Supervisor and Asstt. Canteen Supervisor are included. It is affirmed by Badve that these categories employees works in four departments of shop floor of CNP & ISP namely Control, Technical Workshop and Canteen. He also adds that Ministerial and Hospital staff are also included under the said scheme. It is not in dispute that under the said scheme there are three categories of workers and they get different type of incentive.

9. These three witnesses affirmed that the categories which are carried out under the said scheme has no basis and had no sanction of law. They affirmed that all these workers are directly responsible for doing the production activities. Under such circumstances they are entitled to 100 per cent incentive.

10. S. V. Chafekar (Ex-14) the Chief Control Officer affirmed that under both the schemes clear cut norms by which the various categories of the workmen could be classified/identified are given. Both the schemes are practically identical. They provide for what is meant by direct worker. As per the scheme direct worker means the workmen who belongs to the Technical and Control Section. The scheme postulates that the direct worker will get incentive payment @ 0.7% of his proportionate wage for the month. The scheme also states in sub-paras (V) and (Vi) of para. 3 dealing with the workmen belonging to the workshop entitled to incentive earning equal to that of a direct worker. So also the workmen in the stores will be entitled to the same incentive rate as that of direct workers. In other words these three categories of workmen earn full

incentive. For the purpose of the scheme it is referred as 100% incentive. He affirmed that all the remaining categories of the workmen described in sub paras (VIII), (IX), (X) are again separately classified so as to qualify for grant of incentive earnings on 25 per cent and 76 per cent of the incentive earnings drawn by the direct workers. He affirmed that the classification is done on the basis of the workers who are directly connected with the production. From his cross-examination nothing has come on the record for coming to the conclusion that there is ambiguity or uncertainty as to the classification of the worker. The classification is made on the basis of the nature and character of their contribution to the production.

11. The Learned Advocate for the Union argued that there is no difference as direct or indirect in the definition of the worker given in the Factories Act and under the Shops and Establishments Act. The Learned Advocate for the management argued that as far as incentive is concerned it is not necessary to look into what is the definition of a worker in both these Act. According to him it is an inherent right of the employer to make the classification of the workmen as a direct or indirect under the Incentive Scheme. It need not be incorporated in the enactments of the Legislature. It is rightly argued that so long as the employer has the right to grant incentive to his workmen he can categorise the workmen into different classes and grant them incentive on the different rates depending upon their direct and indirect contribution and their efforts for the production.

12. The Learned Advocate for the Unions had drawn my attention to the preamble and objectives of both the schemes. According to them looking to the preamble and objective of the schemes it can be also said that classification is unjust. The preamble and the objectives reads as follows :

**"1. Preamble and Objectives :**

It has been decided to introduce a Group Incentive Scheme on the basis of all 11 hour shift working with the following objectives :—

- (1) To boost existing level of production of the Currency Note Press.
- (2) To help the employees of the press to earn additional monetary benefits.
- (3) To discourage absenteeism amongst the workers."

13. After going through the preamble I do not find that the management cannot have the classification as they have done in the remaining

para's of the said scheme. It is rightly argued on behalf of the management that there is a distinction between worker and that distinction is given in the scheme. It is common knowledge that the direct workers had more concern with the productivity than other workers. There is an admission of Chafekar that the clerks who prepared the bills and salaries of the employees are concerned with the production of work. But it has to be accepted that their nature of work cannot be equalled with the work carried out by the workers on the floor where the production is actually done. The analogy which is tried to bring on the record by the Learned Advocate for the Management to the effect that if all are to be paid equal incentive then the salary should be the same. I find merit in it. The salaries are dependent upon the works carried out by different persons. When incentive scheme was prepared the management had taken into consideration the actual role of the workers for production. On this basis they have decided to give incentive. I do not find any discrimination carried out by the management in the said scheme. The emphasis which the Learned Advocates of the union tried to put on the definition of the worker in the factories Act or in the shops and establishments Act has no meaning. The incentive scheme has nothing to do with it. For all these reasons I record my findings on the Issues accordingly and pass the following order:

**ORDER**

1. The action of the management of Currency Note Press, Nasik in relation to its workman of the press in not paying 100% incentive benefit to all staff members and not paying the incentive on the amount of house rent allowance, City Compensatory Allowance by treating it as salary for incentive is justified.

2. No order as to costs.

**S. B. PANSE, Presiding Officer**

नई दिल्ली, 29, जनवरी, 1996

का. आ. 431.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार न्यू इंडिया अप्पोरेंस कं. लि. के प्रबंधताव के संबंध नियोजकों और उनके कर्पकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 24-1-96 को प्राप्त हुआ था।

[संख्या एल-17011/15/89/आईआरवी. 2]  
वी. के. शर्मा, डैस्क अधिकारी

New Delhi, the 29th January, 1996

S.O. 431.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the annexure in the industrial Dispute between the employers in relation to the management of New India Assurance Co. Ltd., and their workmen, which was received by the Central Government on 24-1-96.

[No. L-17011|15|89 IR(B-II)]  
V. K. SHARMA, Desk Officer

#### ANNEXURE

IN THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, JABALPUR(M.P.)  
CASE REF. NO. CGIT/LC(R)(183)|1989

#### BETWEEN

Shri Avinash Chandar Joshi, Ward No.  
19, Girl's College Road, Balaghat  
(MP).

#### AND

The Regional Manager, New India Assurance Co. Ltd., Divisional Office, Napier Town, Jabalpur (MP).

PRESIDED IN :

By Shri Arvind Kumar Awasthy

APPEARANCES :

For Workman : Shri C.L. Kotecha, Advocate.

For Management : Shri A.K. Shashi, Advocate.

INDUSTRY : Insurance Co.

DISTRICT :

Jabalpur (MP).

#### AWARD

Dated : January 10, 1996

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-17011|15|89-IR. Bank.I dated 21-9-1989, for adjudication of the following industrial dispute :—

#### SCHEDULE

“Whether the action of the management of New India Assurance Co. Ltd., Jabalpur in removing Shri Avinash Chandar Joshi, Inspector, from service with effect from 6th Sept. 1987 is proper and justified and if not to what relief the workman is entitled ?”

2. Admitted facts of the case are that Shri A. C. Joshi was appointed as Inspector on 6-7-1981 by the Regional Manager and he was posted at Balaghat. It is common ground that the charge-sheet dated 11-3-1986 was issued by the Divisional Manager against the workman on the following allegations :—

Mr. A. C. Joshi while functioning as Inspector at Balaghat during the year 1984 has issued several fire covers between 1-11-84 to 2-11-84 which have been marked as Exhibit S-1, S-2, S-7 to S-20 & S-27 to the insurers in excess of his authority and without prior approval of the Divisional Office. He issued these fire covers even while he was aware of the disturbed situation in the area on account of assassination of Late Prime Minister, Mrs. Indira Gandhi.

During the domestic enquiry only one witness, Shri K. S. Bajaj, Asstt. Branch Manager, Chhindwara, was examined by the management that the Regional Manager, vide order dated 6-5-87, imposed the penalty of removal from service of the workman and the appeal filed by the workman before the Asstt. General Manager was dismissed vide order dated 24-9-1987.

3. The case of the management is that the workman was working as Development Officer-cum-Inspector at Chhindwara and he is not covered within the meaning of workman under Sec.2(s) of the I.D. Act; that the workman has issued several fire and other cover note in excess of his authority that the workman issued the fire covers against back dated pay orders; that the intention of the workman was to provide undue advantage to the claimants and he was aware of the disturbed situation in the area on account of the assassination of the late Prime Minister, Mrs. Indira Gandhi.

4. The case of the workman is that the Cashier of the Bank has by mistake put the seal of 5-11-1984 and that the allegation that the anti-dated pay orders were issued by him is baseless. It is further alleged by the workman that he has not issued the policy in excess of his powers and his intention was not to cause undue financial gain to the claimants who has suffered during the fire incident on account of the death of late Prime Minister. The workman has raised various contentions regarding the fairness of the domestic enquiry.

5. Issue regarding the fairness of the enquiry was decided in favour of the management. The finding of the Enquiry Officer is based on the detailed discussions in the documentary and oral evidence Management has produced 46 documents to substantiate the charges against the workman. The

workman, Shri Joshi, in his reply dated 10-4-86 (Marked Ex.S|45) has specifically admitted at page 1 that fire covers were issued by him for the amount he had no authority to issue. Workman has clearly admitted vide Ex.S|45 that the fire cover note was issued by him in excess of his authority. From the statement of the management witness M.W.1 and pay order for Rs. 25,890 and Rs. 124 and from the receipt of the Bank dated 5-11-84, it is clear that the assurance covers, Marked Ex.S|7 to S|27, were for the premium collected on 5-11-84 and the workman back dated them as 2-11-1984. From the perusal of para 7 of the statement of claim, it is clear that the workman has admitted that the Bank Cashier has put the seal of 5-11-84 by mistake on the cash amount deposited by him. The workman has never led any evidence to prove the fact that the cash amount was paid by him earlier but the Cashier of the Central Bank of India, Balaghat has by mistake put the seal of 5-11-84. This defence is not only an after thought but also without any evidence on record. Consequently, on the basis of the admission made by the workman and the nature of the defence taken by him, it is clear that the finding of the learned Enquiry Officer based on the statement of the witness of the management and 46 documents filed by the management is just and proper.

6. The workman indulging in such a nefarious activity of fabricating the documents in order to cheat the Bank to provide undue financial advantage to the claimants deserves the dismissal without remorse.

7. Reference is answered in favour of the management. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 30 जनवरी, 1996

का.श्रा. 432.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, सरकार बी बी एमबी के प्रबंधताल के संबंध नियोजकों के उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार और औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-1-96 को प्राप्त हुआ था।

[सं. एन.42011/36/92 आईआर (जी.पू.)]

राजा लाल, डैस्क अधिकारी

New Delhi, the 30th January, 1996

S.O. 432.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal

Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of B.B.M.B., as their workmen, which was received by the Central Government on the 23-1-1996.

[No. L-42011/36/92-IR(DU)]

RAJA LAL, Desk Officer

#### ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. ID 145/93

President Nangal Bhakra Mazdoor Sangh, Nangal Township, District Ropar, Punjab.

Vs.

The Chief Engineer, Bhakra Beas Management Board, Nangal, District Ropar, Punjab.

Respondent

For the Union : R.K. Singh  
For the management : S.K. Goel

#### AWARD

The Central Govt. vide its letter No. L-42011/36/92-I.R.(D.U.) dated 7th December 1993 has made the following reference to this court for adjudication:—

“Whether the action of the Chief Engineer, Bhakra Beas Management Board, Nangal Township in terminating the services of 70 Workmen (Particulars are given in Annexure 'B') w.e.f. the dates shown against their names in Annexure 'B' is legal and justified? If not, what relief the workmen concerned are entitled to?”

On receipt of notice, workmen appeared and submitted their statement of claim demanding therein that they should be reinstated. The management however resisted the claim of the workmen. On the pleading of the parties, the parties were asked to adduce evidence.

The case was fixed at the stage of workmen's evidence whtn the authorised representative of the workman has made the following statement:—

“There is technical defect in the reference. The workmen therefore, does not want to produce any evidence and his evidence may be treated as closed.”

Authorised representative of the management has also closed the evidence of the management on the ground that no evidence has been led by the workmen.

In view of the fact that there is no evidence to substantiate the allegations as made by the workmen in their claim statement, there is no option left with this court but to determine this reference against the workmen. I order accordingly. Appropriate Govt. be informed in this regard suitably.

Chandigarh  
Camp Nangal  
8-1-1996

S. R. BANSAL, Presiding Officer

नई दिल्ली, 30 जनवरी, 1996

का.आ. 433.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीबी एम बी के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-1-96 को प्राप्त हुआ था।

[सं. एल 42012/29/90/आई आर (डीपू)]  
राजा लाल, डैस्क अधिकारी

New Delhi, the 30th January, 1996

S.O. 433.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of B.B.M.B., as their workmen, which was received by the Central Government on the 23-1-1996.

[No. L-42012/29/90-IR (DU)]

RAJA LAL, Desk Officer

#### ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. ID 167/90

Mukhtiar Chand, C/o General Secretary, Nangal Bhakra Mazdoor Sangh, Nangal Township, District Ropar—Workman.

Vs.

Chief Engineer, Bhakra Dam, Nangal Township, District Ropar.—Respondent.

For the workman : R. K. Singh

For the management : R.C. Sharda

#### AWARD :

The Central Government vidt its letter bearing No. L-42012/29/90-IR(DU) dated 9th November 1990, has made the following reference to this court for adjudication :—

“Whether the action of the management of BBMB rep. through the Chief Engineer, Bhakra Dam, Nangal Township, in terminating the service of Shri Mukhtiar Chand w.e.f. 30-6-89 is justified? If not, to what relief the concerned workman is entitled to and with what effect?”.

2. On receipt of notice, workman appeared and submitted his statement of claim demanding reinstatement. The management however resisted the claim of the workman. On pleadings of the parties, the parties were asked to adduce their evidence.

The case was fixed at the stage of workmen's evidence when the authorised representative of the workman made the following statement:—

“The wrkman has not turned up despite repeated intimation sent. I, therefore, close his evidence”.

Authorised representative of the management has also closed the evidence of the management.

In view of the fact that there is no evidence to substantiate the allegations as made by the workmen in his claim statement, there is no option left with this court but to determine this reference against the workmen. I order accordingly. Appropriate Govt. be informed in this regard suitably.

Chandigarh  
Camp Nangal  
8-1-1996

S. R. BANSAL, Presiding Officer

नई दिल्ली, 30 जनवरी, 1996

का.आ. 434.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीबी एम बी के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-1-96 को प्राप्त हुआ था।

[सं. एल-42012/177/89 डी-2 (बी)]

राजा लाल, डैस्क अधिकारी

New Delhi, the 30th January, 1996

S.O. 434.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award

of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of B.B.M.B., as their workmen, which was received by the Central Government on 23-1-1996.

[No. L-42012/177/89 D-2(B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH  
Case No. ID 50/90

Rajinder Kumar, C/o Shri R. K. Singh, General Secretary, Nangal Bhakra Mazdoor Sangh, Head Office, Nangal Township, District Ropar—Applicant.

Vs.

Chief Engineer, Bhakra Dam, Nangal Township, District Ropar—Respondent.

For the workman : R.K. Singh.

For the management : R.C. Sharda.

AWARD :

The Central Government vide its letter bearing No. L-42012/177/89-D-2(B) dated 24-4-1990, has made the following reference to this court for adjudication:—

“Whether the action of the management of BBMB represented through the Chief Engineer, Bhakra Dam in terminating the services of Shri Rajinder Kumar w.e.f. 30-6-1989 is justified? If not, than what other relief the workman is entitled to and with what effect ”

On receipt of notice, workman appeared and submitted his statement of claim demanding reinstatement. The management however resisted the claim of the workman. On pleadings of the parties, the parties were asked to adduce their evidence.

The case was fixed at the stage of workman's evidence when the authorised representative of the workman has made the following statement

“The workman has not turned up inspite my repeated intimations. I therefore, close evidence on behalf of the workman.”

Authorised representative of the management has also closed the evidence of the management on the ground that no evidence has been led by the workman.

In view of the fact that there is no evidence to substantiate the allegations as made by the workman in his claim statement, there is no option left with this Court but to determine this reference against the workman. I order accordingly. Appropriate Govt. be informed in this regard suitably. Chandigarh.

Camp Nangal  
8-1-1996.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 30 जनवरी, 1996

का.आ. 435.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा एम बी के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 23-1-1996 को प्राप्त हुआ था।

[म.एल-42012/179/89 डी-2 (बी)]

राजा लाल, डैस्क अधिकारी

New Delhi, the 30th January, 1996

S.O. 435.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of B.B.M.B., as their workmen, which was received by the Central Government on 23-1-1996.

[No. L-42012/179/89 D-2(B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH  
Case No. ID 52/90

Dharamvir son of Ram Lok, C/o Shri R. K. Singh, Qtr. No. 35-G, Nangal township, District Ropar.—Workman.

Chief engineer, Bhakra Dam, Nangal Township, district Ropar. Respondent.

For the workman : R. K. Singh.

For the management : R.C. Sharda.

AWARD :

The Central Govt. vide its letter bearing No. 42012/179/89-D-2(B) dated 24-4-90 has made the following reference to this Tribunal for adjudication :—

“Whether the action of the management of the BBMB represented through the Chief Engineer, BBMB Irrigation Wing in

terminating the services of Shri Dharamvir son of Shri Ram Lok w.e.f. 1-3-88 is justified? If not than what, relief the workman is entitled to and with what effect?"

On receipt of notice, workman appeared and submitted his statement of claim demanding reinstatement. The management however resisted the claim of the workman. On pleadings of the parties, the parties were asked to adduce their evidence.

The case was fixed at the stage of workman's evidence when the authorised representative of the workman made the following statement :—

"The workman has not contacted me despite the repeated intimations sent to him. I have, therefore, no option but to close his evidence. I accordingly close his evidence."

Authorised representative of the management has also closed the evidence of the management.

In view of the fact that there is no evidence to substantiate the allegations as made by the workman in his claim statement, there is no option left with this court but to determine this reference against the workman. I order accordingly. Appropriate Govt. be informed in this regard suitably.

Chandigarh,

Camp Nangal,

8-1-1996.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 30 जनवरी, 1996

का.धा. 436.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार और भी एम बी के प्रबंधतात्र के सबंद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 23-1-96 को प्राप्त हुआ था।

[म.प.ल-42012/48/91-आई आर (डो यू)]  
राजा लाल, डेस्क अधिकारी

New Delhi, the 30th January, 1996

S.O. 436.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of B.B.M.B., as their workmen, which was received by the Central Government on the 23-1-1996.

[No. L-42012/48/91-IR(DU)]  
RAJA LAL, Desk Officer

## ANNEXURE

### BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. ID 160/91

Tilak Raj son of Shri Pohu Ram C/o Shri R.K. Singh, Secretary, Nangal Bhakra Mazdoor Sangh, Nangal Township, District Ropar. —Workman

Vs.

Chief engineer, Bhakra Dam, Nangal township, district Ropar. —Respondent.

For the workman : R. K. Singh.

For the management : R.C. Sharda.

### AWARD :

The Central Government vide its letter No. L-42012/48/91-IR(D.U.) dated 30th October 1991 has made the following reference to this court for adjudication :—

"Whether the action of the Chief Engineer, Bhakra Beas Management Board, Nangal Township in terminating the services of Shri Tilak Raj son of Shri Pohu Ram unskilled mazdoor, w.e.f. 1-7-89 is justified? If not what relief he is entitled to and from what date "

On receipt of notice, workman appeared and submitted his statement of claim demanding therein reinstatement. The management, however resisted the claim of the workman. On pleadings of the parties, the parties were asked to adduce their evidence.

The case was fixed at the stage of workman's evidence when the authorised representative of the workman has made the following statement :—

"The workman has not turned up despite intimation sent. I, therefore, close workman's evidence."

Authorised representative of the management has also closed the evidence of the management.

In view of the fact that there is no evidence to substantiate the allegations as made by the workman in his claim statement, there is no option left with this court but to determine this reference against the workman. I order accordingly. Appropriate Govt. be informed in this regard suitably.

Chandigarh,

Camp Nangal,

8-1-1996.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 31 जनवरी, 1996

का.आ. 437.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-1-96 को प्राप्त हुआ था।

[म. एल-22012/204/88 डी-4 (बी)]

राजा लाल, ईस्क अधिकारी

New Delhi, the 31st January, 1996

S.O. 437.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of W.C. Ltd., and their workmen, which was received by the Central Government on 24-1-1996.

[No. L-22012/204/88 D-4(B)]

RAJA LAL, Desk Officer

#### ANNEXURE

IN THE CENTRAL GOVERNMENT INDUS-  
TRIAL TRIBUNAL-CUM-LABOUR  
COURT, JABALPUR (MP).  
CASE REF. NO. CGIT/LC(R)(95)1989.  
BETWEEN

Shri Gautam Chakravarty represented through the General Secretary, Bhartiya Koyal Khadan Mazdoor Sangh (BMS), Post Chandamata, District Chhindwara (MP).

AND

The Deputy Chief Mining Engineer, Shivpuri Group Mines, W.C. Ltd., Post Sirmora via Parasia, District Chhindwara (MP).

PRESIDED IN :

By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Workman : S.K. Rao, Advocate.

For Management : A. K. Shashi, Advocate.

INDUSTRY : Coal Mines DISTRICT :  
Chhindwara (MP).

#### AWARD

Dated : January 10, 1996

This is a reference made by the Central Government, Ministry of Labour, vide its Notification

No. L-22012(204)188-D-4(B) dated 28-4-1989, for adjudication of the following industrial dispute:—

#### SCHEDULE

"Whether the action of the Management of Dy. Chief Mining Engineer, Shivpuri opencast Mine of Western Coalfields Ltd., P.O. Sirgora, via Parasia, Distt. Chhindwara in dismissing Sri Gautam Chakravarty, Electrical Supervisor from service w.e.f. 19-1-1988 is proper and justified? If not, to what relief the workman concerned is entitled?"

2. Parties filed their pleadings and the case was fixed for orders after filing the written arguments by the parties on the fairness of enquiry. On 17-8-1994 Counsel for the workman informed the Court that the workman concerned has died and prayed to bring the legal heirs on record. Vide order dated 11-7-1995 legal heirs were allowed to be taken on record.

3. However, today counsel for legal heirs filed an application withdrawing the dispute as the management has offered compassionate appointment to Shri Sandeep Chakravarty, younger brother of the deceased, in place of late Shri Gautam Chakravarty. Consequently, no dispute award is hereby passed. No order as to costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 31 जनवरी, 1996

का.आ. 438.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ सी आई के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में ऑद्योगिक अधिकरण, असम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-1-96 को प्राप्त हुआ था।

[म. एल 22012/18/एफ/93/आई आर सी-II]

राजा लाल, ईस्क अधिकारी

New Delhi, the 31st January, 1996

S.O. 438.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Assam as shown in the Annexure in the industrial dispute between the employers in relation to the management of F.C.I. and their workmen, which was received by the Central Government on the 25-1-96.

[No. L-22012/18/F/93-IR C-II]

RAJA LAL, Desk Officer

## ANNEXURE

IN THE INDUSTRIAL TRIBUNAL,  
GUWAHATI, ASSAM  
REF. No. 9(c) OF 1993

## PRESENT :

Shri J. C. Kalita, B. A., (Hons) LL.B.,  
Presiding Officer,  
Industrial Tribunal, Guwahati.

In the matter of an Industrial Dispute  
BETWEEN

The Management of  
Food Corporation of India, Guwahati.

Vs.

Sri Mathur Roy,  
Casual Labour.

## APPEARANCES :

Shri B. Sharma, Advocate : For the Management.

Shri A. Kalita, Advocate : For the workman.

## AWARD

The Govt. of India, Ministry of Labour, New Delhi by a Notification No. L-22012/18/F/93-IR (C)-II dt 30-5-93 referred an Industrial dispute between the management of Senior Regional Manager F.C.I., Guwahati and its Casual Labour Shri Mathur Roy for adjudication by this Tribunal with copies to the respective parties. On receipt of the notification a case was registered and notices were sent to the parties to appear before this Tribunal and to file their written statement. The issue reads as follows :—

“Whether the action of the Sr. Regional Manager, F.C.I. management in terminating the casual labour service of Mathur Roy, Casual Labour w.e.f. 28-2-85 without payment of notice/notice pay and retrenchment compensation (under 25F) and not taking him in employment of F.C.I. is justifies ? If not, to what relief the workman is entitled to ?”

The workman in his written statement contended that he was engaged as casual labour at F.S.D. Tihu vide SRM's order No. A-6(70)/79 dated 3-10-80 and worked upto April 1985. Since April 1982 to March 1985 he was paid wages only for 19 days in a month although he worked for the whole month. Suddenly on 28-2-85 he was terminated illegally from the service without service of notice as required by law. Hence is the dispute which was finally referred to this Tribunal for adjudication.

The management in their written statement contended that the workman worked as casual labour at FSD Tihu since 1980 and is still working as

ancillary worker under the Workers Management Committee drawing wages from FCI. Workmen engaged in FCI depots were disengaged with effect from 1-3-85 as depot operation was handled by the labourers through Workmen's Management Committee. The workman Mathur Roy was never retrenched from the service of FCI and he is still enjoying livelihood under the FCI through the Worker's Management Committee with more benefit and higher wages than what he used to draw as casual worker. As such the question of service of notice and retrenchment compensation does not arise at all.

The management examined one witness and the workman examined himself who were discharged after cross-examination. Both sides pressed few documents into service.

It is an admitted fact the workman was engaged as casual labour by the management of FCI to work at Tihu FSD with effect from June 1980. It thus proves the existence of relationship of employer and employee.

It has been stated by the workman that he was retrenched from service with effect from 1-3-85 in reply to which management stated that he was never retrenched from service, he was simply asked to work under the Worker's Management Committee after abolition of contract labour system. On oath the workman stated that he was simply asked not to come to work with effect from 1-3-85 the Depot Incharge at Tihu. It has been stated by the witness for the management that the workman was a casual labour of FCI prior to 1-1-87 but thereafter all the casual workers of FCI agreed to work through the Worker's Management Committee as per the agreement arrived at between the management of FCI and Worker's Union on 1-1-87 regarding resumption of handling operation by the Workers of FSD Tihu. The workman clearly deposed that he had to work as a handling workman in FSD Tihu. Ext 'ga' is the agreement arrived at between the management of FCI and the Workers' Union by which the workers agreed to work under the Worker's Management Committee at Tihu, Barpeta, and Binduguri FSD.

The workman admitted that after his discharge from the direct engagement of FCI he used to work through the Worker's Management Committee and was regularly paid wages. The witness for the management stated that the workman has been receiving Rs. 26/- per day as guaranteed earning as per the direction issued by Head Office, Delhi on 8-5-92 effective from 1-4-91. Ext 'unga' is the said letter. It has been made clear in that letter that the workers will be paid minimum guaranteed earning of Rs. 26/- per day or Rs. 780/- P.M. It means that the workers engaged through the Worker's Management Committee has acquired the status of a monthly rated employee.

Ext 'cha' is the memorandum of settlement between the management of FCI and the representa-

tives of Worker's Union wherein it has been agreed that the Workers Working under the Mate|WMC system in 51 depots who are presently being paid minimum guaranteed wages of Rs. 780/- P.M. would be upgraded as Direct Payment System| DPS workers w.e.f. 1-1-94. It has been further agreed to maintain biodatas of each and every employee, signed by the Workers Union, Working Under Direct Payment system, duly varified by concerned worker, the Depot Incharge, and the District Manager. The memorundum further stipulates that nobody below 18 years of age will be regularised as D.P.S. worker who shall be retired on attaining the age of 58 years. The other benefits extended to such workers is the payment of ex-gartia in lieu of bonus at the rate of Rs. 8.33 per cent of wages|earning w.e.f. 1-4-92 or from the date of introduction of MATE|WFC system, which ever is latter. The minimum guaranteed daily wages of handling labourers have been increased to Rs. 65/- w.e.f. 1-1-94 with a provision for revision in future after every 2 years bassed on the percentage increase in All India Consumers Price Index as published by the Govt. of India. The witness for the management deposed the workers are entitled to compensation if they are injured while on duty as per the provision of Workmen's Compensation Act. The workmen in his cross-examination admitted that the card issued to him bears the words "All India Worker's Union". Here thus costroborated the evidence of management witness as to the benefits and revised wage rates extended under Ext. 'cha'. From the above I am firmly of the opinion that the workman, though was disengaged by the Depot Incharge of F.S.D. at Tihu, used to work as before under he Worker's Management Committee system and he is still working under the direct control and supervision of the management of F.C.I. with better facilities and higher wages with guaranteed service condition as per terms and settlement in Ext 'cha'.

Apart rom the relationship of employeer and employee it is essential to determine the existence of right of control in respect of the manner in which the work is to be done. When the management is maintaining the regularity in the service of each workman with a provision to go for retirement on attaining the age of 58 years, it is clearly a right of control by the F.C.I. which suggest that his service is not only guaranteed but also appears to be made permanent.

Whether the renchment is necessary or not is a matter entirely of internal managemnt to be decided by the employeee. The management is the best Judge to determine the No. of workers who become surplus. Tribunal can not and should not interfere with the decission of the management on this point, is now a settled law. It has been held that the employee has a right to reorganised their business and if such a reorganisation becomes

necessary for the reason of economy of convenience, then the simple fact that it led to dis-charge of some of the employees will not matter, and no inference can be drawn that such dischage was made malafide. In view of the aforesaid principle I am of the opinion that the policy of en-gagement of casual labourers by the managements of F.C.I. through the worker's Management Com-mittee which was duly recognised by the manage-ment under the banner of "Worker's Union", is for the betterment of the service condition of the workers and no inference can be drawn that their engagement through Worker's Management Com-mittee after their disengagement amounts to re-trenchment. When the workman is getting higher wages with better facilities and other benefits guaranteed by the circular No. IR(L)4(15)|94 dt. 5-12-94 with continuity of service in the estab-lishment of F.C.I. from 1980 to 1985 and after disengagement through the Worker's Management Com-mittee from 1-4-85 without any termination of service. He is neither retrenched nor terminated and is not entitled to any notice under Section 25F of the Industrial Dispute Act. It is held that there was no retrenchment as alleged and no retrench-ment compensation under Section 25F of Industrial Dispute Act is entitled to nor any other reliefs whatsoever.

I given this Award on this 18th January, 1996 on my hand and seal.

J. C. KALITA, Presiding Officer

नई दिल्ली, 31 जनवरी, 1996

का.आ. 439.—ओर्डरिंग विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार एन सी एन के प्रबंधनक के संबंध नियोजकों उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औरोगिक विवाद में केन्द्रीय सरकार और्दीगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-1-96 को प्राप्त हुआ था।

[सं. एल.-24012/107/87-बी IV(बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 31st January 1996

S.O. 439.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of N.C. Ltd. and their work-men, which was received by the Central Gov-ernment on the 25-1-96.

[No. L-24012/107/87-D-IV(B)]  
RAJA LAL, Desk Officer

## ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL AT CALCUTTA

Reference No. 144 of 1988

## PARTIES :

Employers in relation to the management of  
North Eastern Coalfields Limited

AND

Their Workmen

## PRESENT :

Mr. Justice K. C. Jagadeb Roy.. Presiding  
Officer

## APPEARANCES :

On behalf of Management.—Mr. K. Bando-  
padhy, Advocate with Mr. P. Taraf-  
dar, AdvocateOn behalf of Workmen.—Mr. K. Roy,  
Advocate with Mr. K. M. Pandey,  
General Secretary of the Union.

STATE : Assam. INDUSTRY : Colliery.

## AWARD

By Order No. L-24012(107)87-D.IV(B) dated 9/31-21-1987, the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Management of North Eastern Coalfields M/s. Coal India Ltd., Margherita in dismissing Sri Nilmani Kalita, Traffic Sardar from service, is justified ? If not, to what relief the workman concerned is entitled ?”

2. This reference is of the year 1988 and two learned Presiding Officers have already retired who had dealt with this case. This reference case has now come before me for final disposal. On a perusal of the order sheet, I find that on 22-4-1992 the then Presiding Officer while considering the validity of the domestic enquiry came to rely on the submission made by Sri Bando-  
padhy, learned Advocate appearing for the management that the enquiry was not fair and proper. Such being the submission made on behalf of the management, instead of proceeding to determine the validity of the domestic enquiry, his Tribunal accepted the contention of the management and allowed the management to lead further evidence to justify their action. Though not stated expressly, the Tribunal in passing that order obviously acted in exercise of its jurisdiction under section 11A of the Industrial Disputes Act, 1947:

3. Before this Tribunal the management examined the Enquiry Officer N.C. Sux as MW-1 and three more witnesses to prove the assault caused by the delinquent workman Nilmani Kalita on J. R. Gogoi on the 28th July 1985. The workman also examined himself as a witness before this Tribunal.

4. The entire file relating to the enquiry before the Enquiry Officer was presented before the Tribunal out of which certain portions were marked exhibits on behalf of the management. Before I proceed to consider the evidence to find out if there was justification for the management to pass the impugned order, it is necessary to know the contents of the charge against the delinquent in order to appreciate the legality of the order.

5. The charge sheet is marked Ext. M-7. The portions dealing with the charge are quoted below :

**“VIOLATION OF THE FOLLOWING  
CLAUSES OF THE STANDING  
ORDERS FOR COLLIERIES**

1. “Drunkenness, fighting, riotous or disorderly or indecent behaviour”—Under Clause 10(c)(5) of the Standing Orders.

In that on last Sunday the 28-7-85 at about 3.00 P.M. you along with Sri Riaz Baruah, Sri Gurucharan Prosad Horijan and Sri Rajan Gogi (2) had fought and physically assaulted Sri Janjo Ram Gogi, Asstt. Electrical Foreman, in front of Tipong Colliery L.P. School, while he was returning from Sunday Maintenance work, behaving in a riotous, disorderly and indecent manners.

The above act, of yours is a misconduct under the provisions of the standing order applicable to you.

You are hereby notified to, show cause in writing within 3 days from the date of receipt of this charge sheet explaining why disciplinary action should not be taken against you for the above mentioned acts of yours.”

The charge which contains statement of certain facts which was the basis of framing of the charge against the delinquent is not very specific as it does not say if the facts enumerated in the charge satisfied any of the particular wrong enumerated in clause 10(c)(5) of the “Standing Order”. Admittedly this fact never refers to his drunkenness not does it very clearly state if the very act assault apart from it was riotous and showed disorderly or indecent behaviour.

6. The Standing Orders which is marked Ext. W-7 from the side of the workmen in paragraph 10(c) shows as follows :

“10(c) The following acts and omissions will be treated as misconduct and as being liable to imposition of fine under Section 8 of the Payment of Wages Act 1936.

- (1) .....
- (2) .....
- (3) .....
- (4) .....

(5) Drunkenness, fighting, riotous or disorderly or indecent behaviour.”

7. From the enquiry file I find the delinquent participated in the enquiry and denied all charges. He made a prayer the Enquiry Officer to explain him the charges. By a letter to the Manager, Tipong Colliery, where he was working, he had made his grievance that he was not being given opportunity to defend himself and mentioned about his application dated 25 August 1985 wherein he prayed to be helped at the enquiry by one union representative, which was not permitted. His specific request that a co-worker i.e. Sri G. Chowbey, Overman of Tipong Colliery be allowed to help him at the enquiry was refused.

8. The contention of the workman is that his action had nothing to do with the functioning of the Colliery meaning thereby that no misconduct had been committed by him in discharge of his duties. That apart, in the criminal case started against him and some others or the said assault under section 143/323 of the IPC before he Judicial Magistrate 1st Class, Tinsukia in G.R. Case No. 849 of 1985, he and his co-accuseds were acquitted by order dated 12-4-1991, xerox copies of the certified copy of which has been filed before this Tribunal.

9. From the evidence of the delinquent which is not disputed by the evidence of the management this assault if at all was there, was the result of a trade union rivalry as he and Sri Gogi belonged to different trade union. The delinquent workman denied that he had ever assaulted Sri Gogi and even if the assault is to be linked, the same was not done while either of them was discharging their duties. I also find from the examination of Sri Gogi before the Enquiry Officer that he was assaulted near L.P. School where the meeting was going on and that he came to the meeting after his duty was over. This he has said in his cross-examination in the enquiry. It is his persistent case throughout that after finishing his work at 3.05 P.M. while he was returning home, he found a gathering near the L.P. School where the meeting of the Janta Party Union was being conducted and at that place the delinquent assaulted him with his umbrella. Mr. Gogoi belonged to another trade union of

INTUC and other witness Jalil Lama MW-4 also belonged to the same union.

10. Though Section 18 of the Trade Union Act allows immunity from Civil Suit in certain cases against a registered trade union or an office bearer or member thereof in respect of any act done in contemplation of furtherance of trade disputes for act inducing break of contract of employment etc. and protects registered trade union against punishment under sub-section (2) of section 120B of the Indian Penal Code, it does not protect any one against the commission of any offence other than the one mentioned in the said section

11. In the present case, I find that the injured Sri Gogi did not file his FIR before the Police Station on the 28th, nor the management tried to do so if they thought one of their employees was assaulted by another within the industrial premises. All that was done was on the 29th. Even when the matter was gone into a judicial forum and the present delinquent alongwith other co-accused persons were acquitted, no steps had been taken by the prosecution informer against the order of acquittal. Now to hold that the delinquent had assaulted would be a finding which would be contrary to the order of the criminal court. When the Suptd. Manager, Tipong Colliery passed his order of dismissal against the delinquent on 14-9-1985, the delinquent made a representation against that order. The delinquent had requested the Suptd. Manager, Tipong Colliery to defer the disciplinary proceeding in view of the pending criminal case as the reply to the show cause could ultimately affect his criminal case as it would expose itself to jeopardy. But on 8-8-1985 he received a reply from the Suptd. Manager of the Tipong Colliery, which is marked Ext. W-6 stating that the disciplinary proceeding has no connection with the criminal case and was independent of its own and the delinquent was given a period of 3 days only from the receipt of the said letter to reply to the charge sheet. This does not reflect a fair treatment of the management on the delinquent when the alleged assault did not relate to any particular work connected with the duty of the delinquent so as to constitute “misconduct” and the management ultimately finding him guilty of the charge, had passed the order of dismissing him from service, though after payment of a month's wage in lieu of notice.

12. It was the case of the delinquent he being an office bearer of rival trade union, the management was maliciously siding with the INTUC to harass him. The Standing Orders shows that for the alleged charge contained in paragraph 10(c)(5) only invites punishment of imposition of fine. But in the present case the workman has been dismissed from service.

13. I accordingly come to hold that the action of the management was not justified in dismissing Sri Nilmani Kalita, Traffic Sardar from his service, who is directed to be reinstated with all his back wages since the management has led no evidence that since the date of dismissal Sri Kalita was otherwise gainfully employed elsewhere.

The reference is answered accordingly.

Dated, Calcutta,

The 10th January, 1996.

K. C. JAGADEB ROY, Presiding Officer

नई दिल्ली, 31 जनवरी, 1996

का.आ. 440.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार छल्ले सी एन के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-1-96 को प्राप्त हुआ था।

[सं. पल.-22012/70/94 आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 31st January, 1996

S.O. 440.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the industrial disputes between the employers in relation to the management of W.C. Ltd. and their workmen, which was received by the Central Government on the 24-1-96.

[No. L-22012/70/94-IRC.II]

RAJA LAL, Desk Officer

#### ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR (M.P.)

Case Ref. No. CGIT/LC(R) (97) 1994

BETWEEN :

Shri Avinash Rai represented through the Secretary, Rashtriya Koyla Khadan Mazdoor Sangh (INTUC), Chandametta, District Chhindwara (M.P.).

AND

The Dy. C.M.E. [Manager, Sethia Open Cast Mine, Western Coalfields Ltd., P.O. Dighawani, District Chhindwara (P.M.)]

PRESIDED IN : By Shri Arvind Kumar Awashthy.

#### APPEARANCES :

For Workman : Shri S.K. Rao, Advocate.

For Management : Shri A.K. Shashi, Advocate.

INDUSTRY : Coal Mines DISTRICT : Chhindwara (MP).

#### AWARD

Dated : January, 12th 1996

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-22012/7095-IR (C. II) Dated 13-7-1994, for adjudication of the following industrial dispute :—

#### SCHEDULE

“क्या प्रबंधतंत्र डिप्टी सी. प्स. आई.मैनेजर सेठिया ओपन कास्ट माइन के प्रबंधकों द्वारा श्री अविनाश राय को माईनिंग सरदार के पद से ओब्लरमेन के पद पर नियुक्त कर पदोन्नति के लाभ से वंचित करने की कार्यवाही न्यायोचित है ? यदि नहीं, तो कर्मकार किस अनुतोष का हकदार है ?”

3. The statement of claim was filed by the workman. After filing the statement of claim, the workman continuously remained absent since 1-2-1995 inspite of the repeated adjournments. Management has filed the Settlement. Workman verified and accepts settlements. The management has provided promotion to the workman. Terms of reference was regarding the promotion of the workman. Consequently, the settlement is just and proper. Following are the terms of Settlement which is signed by the workman's representative and also by the concerned officer of the management.

#### TERMS OF SETTLEMENT

1. It is agreed by the Management that Shri Avinash Rai, Mining Sirdar, Sethia O. C. Mine who has been promoted as Overman in T&S Grade 'B' through D.P.C. from January, 1994 will be given National Seniority with effect from 1-1-1990 in T&S Grade 'B' on the basis of Authorisation to work as Overman and paid difference of wages of T&S Grade 'B' from 1-1-1990.

2. The union/workman; agreed not to raise any dispute relating to this issue individually or through any union at any forum.
3. This settlement settles the dispute fully and finally and it shall not be treated as precedence in any other case.
4. The parties agree to file the Compromise Settlement before the Presiding Officer CGIT Jabalpur and request for an award in terms of settlement.
4. Consequently, Award is passed as per terms of Settlement. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer